



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1971

Introduced 2/15/2019, by Sen. Elgie R. Sims, Jr.

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Counties Code. Provides that in a county exceeding a population of 3,000,000, if the court determines that the appointment of a special prosecutor is required because the State's Attorney is sick, absent, or unable to fulfill his or her duties or has a conflict of interest, the court shall request the Office of the State's Attorneys Appellate Prosecutor to serve as the special prosecutor where the cause or proceeding is an officer-involved death. Amends the Criminal Code of 2012. Increases the threshold amount of theft not from the person and retail theft that enhances the offense from a misdemeanor to a felony to \$2,000. Amends the Cannabis Control Act, the Illinois Controlled Substances Act, the Drug Paraphernalia Control Act, the Methamphetamine Control and Community Protection Act, and the Unified Code of Corrections. Lowers penalties for the manufacture, delivery, possession with intent to manufacture or deliver, and trafficking and possession of cannabis, controlled substances, and methamphetamine. Amends the Unified Code of Corrections. Makes changes in eligibility for the Offender Initiative Program and the Second Chance Probation Program. Increases the maximum amount of sentence credit that a prisoner may receive for various offenses from 4.5 to 8.5 (from 7.5 to 10.5 for gunrunning, drug-induced homicide, or aggravated methamphetamine-related child endangerment) days of sentence credit for each month of his or her sentence of imprisonment. Reduces the mandatory supervised release term for Class X, 1, and 2 felonies other than certain sex offenses to 18 months. Makes other changes.

LRB101 08001 SLF 53058 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 3. The Counties Code is amended by changing Section  
5 3-9008 as follows:

6 (55 ILCS 5/3-9008) (from Ch. 34, par. 3-9008)

7 Sec. 3-9008. Appointment of attorney to perform duties.

8 (a) (Blank).

9 (a-5) The court on its own motion, or an interested person  
10 in a cause or proceeding, civil or criminal, may file a  
11 petition alleging that the State's Attorney is sick, absent, or  
12 unable to fulfill his or her duties. The court shall consider  
13 the petition, any documents filed in response, and if  
14 necessary, grant a hearing to determine whether the State's  
15 Attorney is sick, absent, or otherwise unable to fulfill his or  
16 her duties. If the court finds that the State's Attorney is  
17 sick, absent, or otherwise unable to fulfill his or her duties,  
18 the court may appoint some competent attorney to prosecute or  
19 defend the cause or proceeding.

20 (a-10) The court on its own motion, or an interested person  
21 in a cause or proceeding, civil or criminal, may file a  
22 petition alleging that the State's Attorney has an actual  
23 conflict of interest in the cause or proceeding. The court

1 shall consider the petition, any documents filed in response,  
2 and if necessary, grant a hearing to determine whether the  
3 State's Attorney has an actual conflict of interest in the  
4 cause or proceeding. If the court finds that the petitioner has  
5 proven by sufficient facts and evidence that the State's  
6 Attorney has an actual conflict of interest in a specific case,  
7 the court may appoint some competent attorney to prosecute or  
8 defend the cause or proceeding.

9 (a-15) Notwithstanding subsections (a-5) and (a-10) of  
10 this Section, the State's Attorney may file a petition to  
11 recuse himself or herself from a cause or proceeding for any  
12 other reason he or she deems appropriate and the court shall  
13 appoint a special prosecutor as provided in this Section.

14 (a-17) In a county exceeding a population of 3,000,000, if  
15 the court determines that the appointment of a special  
16 prosecutor is required under subsection (a-10) or (a-15), the  
17 court shall request the Office of the State's Attorneys  
18 Appellate Prosecutor to serve as the special prosecutor where  
19 the cause or proceeding is an officer-involved death, as that  
20 term is defined in Section 1-5 of the Police and Community  
21 Relations Improvement Act. If the Office of the State's  
22 Attorneys Appellate Prosecutor accepts the request, the Office  
23 of the State's Attorneys Appellate Prosecutor shall be  
24 appointed by the court and shall have the same power and  
25 authority in relation to the cause or proceeding as the State's  
26 Attorney would have had if present and attending to the cause

1 or proceedings.

2 (a-20) Except as provided in subsection (a-17), prior ~~Prior~~  
3 to appointing a private attorney under this Section, the court  
4 shall contact public agencies, including, but not limited to,  
5 the Office of Attorney General, Office of the State's Attorneys  
6 Appellate Prosecutor, or local State's Attorney's Offices  
7 throughout the State, to determine a public prosecutor's  
8 availability to serve as a special prosecutor at no cost to the  
9 county and shall appoint a public agency if they are able and  
10 willing to accept the appointment. An attorney so appointed  
11 shall have the same power and authority in relation to the  
12 cause or proceeding as the State's Attorney would have if  
13 present and attending to the cause or proceedings.

14 (b) In case of a vacancy of more than one year occurring in  
15 any county in the office of State's attorney, by death,  
16 resignation or otherwise, and it becomes necessary for the  
17 transaction of the public business, that some competent  
18 attorney act as State's attorney in and for such county during  
19 the period between the time of the occurrence of such vacancy  
20 and the election and qualification of a State's attorney, as  
21 provided by law, the vacancy shall be filled upon the written  
22 request of a majority of the circuit judges of the circuit in  
23 which is located the county where such vacancy exists, by  
24 appointment as provided in The Election Code of some competent  
25 attorney to perform and discharge all the duties of a State's  
26 attorney in the said county, such appointment and all authority

1 thereunder to cease upon the election and qualification of a  
2 State's attorney, as provided by law. Any attorney appointed  
3 for any reason under this Section shall possess all the powers  
4 and discharge all the duties of a regularly elected State's  
5 attorney under the laws of the State to the extent necessary to  
6 fulfill the purpose of such appointment, and shall be paid by  
7 the county he serves not to exceed in any one period of 12  
8 months, for the reasonable amount of time actually expended in  
9 carrying out the purpose of such appointment, the same  
10 compensation as provided by law for the State's attorney of the  
11 county, apportioned, in the case of lesser amounts of  
12 compensation, as to the time of service reasonably and actually  
13 expended. The county shall participate in all agreements on the  
14 rate of compensation of a special prosecutor.

15 (c) An order granting authority to a special prosecutor  
16 must be construed strictly and narrowly by the court. The power  
17 and authority of a special prosecutor shall not be expanded  
18 without prior notice to the county. In the case of the proposed  
19 expansion of a special prosecutor's power and authority, a  
20 county may provide the court with information on the financial  
21 impact of an expansion on the county. Prior to the signing of  
22 an order requiring a county to pay for attorney's fees or  
23 litigation expenses, the county shall be provided with a  
24 detailed copy of the invoice describing the fees, and the  
25 invoice shall include all activities performed in relation to  
26 the case and the amount of time spent on each activity.

1 (Source: P.A. 99-352, eff. 1-1-16.)

2 Section 5. The Criminal Code of 2012 is amended by changing  
3 Sections 16-1 and 16-25 as follows:

4 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

5 Sec. 16-1. Theft.

6 (a) A person commits theft when he or she knowingly:

7 (1) Obtains or exerts unauthorized control over  
8 property of the owner; or

9 (2) Obtains by deception control over property of the  
10 owner; or

11 (3) Obtains by threat control over property of the  
12 owner; or

13 (4) Obtains control over stolen property knowing the  
14 property to have been stolen or under such circumstances as  
15 would reasonably induce him or her to believe that the  
16 property was stolen; or

17 (5) Obtains or exerts control over property in the  
18 custody of any law enforcement agency which any law  
19 enforcement officer or any individual acting in behalf of a  
20 law enforcement agency explicitly represents to the person  
21 as being stolen or represents to the person such  
22 circumstances as would reasonably induce the person to  
23 believe that the property was stolen, and

24 (A) Intends to deprive the owner permanently of the

1 use or benefit of the property; or

2 (B) Knowingly uses, conceals or abandons the  
3 property in such manner as to deprive the owner  
4 permanently of such use or benefit; or

5 (C) Uses, conceals, or abandons the property  
6 knowing such use, concealment or abandonment probably  
7 will deprive the owner permanently of such use or  
8 benefit.

9 (b) Sentence.

10 (1) Theft of property not from the person and not  
11 exceeding \$2,000 ~~\$500~~ in value is a Class A misdemeanor.

12 (1.1) Theft of property not from the person and not  
13 exceeding \$2,000 ~~\$500~~ in value is a Class 4 felony if the  
14 theft was committed in a school or place of worship or if  
15 the theft was of governmental property.

16 (2) A person who has been convicted of theft of  
17 property not from the person and not exceeding \$2,000 ~~\$500~~  
18 in value who has been previously convicted of felony ~~any~~  
19 ~~type of theft, robbery, armed robbery, burglary,~~  
20 ~~residential burglary, possession of burglary tools, home~~  
21 ~~invasion, forgery, a violation of Section 4-103, 4-103.1,~~  
22 ~~4-103.2, or 4-103.3 of the Illinois Vehicle Code relating~~  
23 ~~to the possession of a stolen or converted motor vehicle,~~  
24 ~~or a violation of Section 17-36 of the Criminal Code of~~  
25 ~~1961 or the Criminal Code of 2012, or Section 8 of the~~  
26 ~~Illinois Credit Card and Debit Card Act~~ is guilty of a

1 Class 4 felony.

2 (3) (Blank).

3 (4) Theft of property from the person not exceeding  
4 \$500 in value, or theft of property exceeding \$2,000 ~~\$500~~  
5 and not exceeding \$10,000 in value, is a Class 3 felony.

6 (4.1) Theft of property from the person not exceeding  
7 \$500 in value, or theft of property exceeding \$2,000 ~~\$500~~  
8 and not exceeding \$10,000 in value, is a Class 2 felony if  
9 the theft was committed in a school or place of worship or  
10 if the theft was of governmental property.

11 (5) Theft of property exceeding \$10,000 and not  
12 exceeding \$100,000 in value is a Class 2 felony.

13 (5.1) Theft of property exceeding \$10,000 and not  
14 exceeding \$100,000 in value is a Class 1 felony if the  
15 theft was committed in a school or place of worship or if  
16 the theft was of governmental property.

17 (6) Theft of property exceeding \$100,000 and not  
18 exceeding \$500,000 in value is a Class 1 felony.

19 (6.1) Theft of property exceeding \$100,000 in value is  
20 a Class X felony if the theft was committed in a school or  
21 place of worship or if the theft was of governmental  
22 property.

23 (6.2) Theft of property exceeding \$500,000 and not  
24 exceeding \$1,000,000 in value is a Class 1  
25 non-probationable felony.

26 (6.3) Theft of property exceeding \$1,000,000 in value

1 is a Class X felony.

2 (7) Theft by deception, as described by paragraph (2)  
3 of subsection (a) of this Section, in which the offender  
4 obtained money or property valued at \$5,000 or more from a  
5 victim 60 years of age or older is a Class 2 felony.

6 (8) Theft by deception, as described by paragraph (2)  
7 of subsection (a) of this Section, in which the offender  
8 falsely poses as a landlord or agent or employee of the  
9 landlord and obtains a rent payment or a security deposit  
10 from a tenant is a Class 3 felony if the rent payment or  
11 security deposit obtained does not exceed \$500.

12 (9) Theft by deception, as described by paragraph (2)  
13 of subsection (a) of this Section, in which the offender  
14 falsely poses as a landlord or agent or employee of the  
15 landlord and obtains a rent payment or a security deposit  
16 from a tenant is a Class 2 felony if the rent payment or  
17 security deposit obtained exceeds \$500 and does not exceed  
18 \$10,000.

19 (10) Theft by deception, as described by paragraph (2)  
20 of subsection (a) of this Section, in which the offender  
21 falsely poses as a landlord or agent or employee of the  
22 landlord and obtains a rent payment or a security deposit  
23 from a tenant is a Class 1 felony if the rent payment or  
24 security deposit obtained exceeds \$10,000 and does not  
25 exceed \$100,000.

26 (11) Theft by deception, as described by paragraph (2)

1 of subsection (a) of this Section, in which the offender  
2 falsely poses as a landlord or agent or employee of the  
3 landlord and obtains a rent payment or a security deposit  
4 from a tenant is a Class X felony if the rent payment or  
5 security deposit obtained exceeds \$100,000.

6 (c) When a charge of theft of property exceeding a  
7 specified value is brought, the value of the property involved  
8 is an element of the offense to be resolved by the trier of  
9 fact as either exceeding or not exceeding the specified value.

10 (d) Theft by lessee; permissive inference. The trier of  
11 fact may infer evidence that a person intends to deprive the  
12 owner permanently of the use or benefit of the property (1) if  
13 a lessee of the personal property of another fails to return it  
14 to the owner within 10 days after written demand from the owner  
15 for its return or (2) if a lessee of the personal property of  
16 another fails to return it to the owner within 24 hours after  
17 written demand from the owner for its return and the lessee had  
18 presented identification to the owner that contained a  
19 materially fictitious name, address, or telephone number. A  
20 notice in writing, given after the expiration of the leasing  
21 agreement, addressed and mailed, by registered mail, to the  
22 lessee at the address given by him and shown on the leasing  
23 agreement shall constitute proper demand.

24 (e) Permissive inference; evidence of intent that a person  
25 obtains by deception control over property. The trier of fact  
26 may infer that a person "knowingly obtains by deception control

1 over property of the owner" when he or she fails to return,  
2 within 45 days after written demand from the owner, the  
3 downpayment and any additional payments accepted under a  
4 promise, oral or in writing, to perform services for the owner  
5 for consideration of \$3,000 or more, and the promisor knowingly  
6 without good cause failed to substantially perform pursuant to  
7 the agreement after taking a down payment of 10% or more of the  
8 agreed upon consideration. This provision shall not apply where  
9 the owner initiated the suspension of performance under the  
10 agreement, or where the promisor responds to the notice within  
11 the 45-day notice period. A notice in writing, addressed and  
12 mailed, by registered mail, to the promisor at the last known  
13 address of the promisor, shall constitute proper demand.

14 (f) Offender's interest in the property.

15 (1) It is no defense to a charge of theft of property  
16 that the offender has an interest therein, when the owner  
17 also has an interest to which the offender is not entitled.

18 (2) Where the property involved is that of the  
19 offender's spouse, no prosecution for theft may be  
20 maintained unless the parties were not living together as  
21 man and wife and were living in separate abodes at the time  
22 of the alleged theft.

23 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;  
24 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.  
25 1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12; 97-1150,  
26 eff. 1-25-13.)

1 (720 ILCS 5/16-25)

2 Sec. 16-25. Retail theft.

3 (a) A person commits retail theft when he or she knowingly:

4 (1) Takes possession of, carries away, transfers or  
5 causes to be carried away or transferred any merchandise  
6 displayed, held, stored or offered for sale in a retail  
7 mercantile establishment with the intention of retaining  
8 such merchandise or with the intention of depriving the  
9 merchant permanently of the possession, use or benefit of  
10 such merchandise without paying the full retail value of  
11 such merchandise; or

12 (2) Alters, transfers, or removes any label, price tag,  
13 marking, indicia of value or any other markings which aid  
14 in determining value affixed to any merchandise displayed,  
15 held, stored or offered for sale in a retail mercantile  
16 establishment and attempts to purchase such merchandise at  
17 less than the full retail value with the intention of  
18 depriving the merchant of the full retail value of such  
19 merchandise; or

20 (3) Transfers any merchandise displayed, held, stored  
21 or offered for sale in a retail mercantile establishment  
22 from the container in or on which such merchandise is  
23 displayed to any other container with the intention of  
24 depriving the merchant of the full retail value of such  
25 merchandise; or

1           (4) Under-rings with the intention of depriving the  
2 merchant of the full retail value of the merchandise; or

3           (5) Removes a shopping cart from the premises of a  
4 retail mercantile establishment without the consent of the  
5 merchant given at the time of such removal with the  
6 intention of depriving the merchant permanently of the  
7 possession, use or benefit of such cart; or

8           (6) Represents to a merchant that he, she, or another  
9 is the lawful owner of property, knowing that such  
10 representation is false, and conveys or attempts to convey  
11 that property to a merchant who is the owner of the  
12 property in exchange for money, merchandise credit or other  
13 property of the merchant; or

14           (7) Uses or possesses any theft detection shielding  
15 device or theft detection device remover with the intention  
16 of using such device to deprive the merchant permanently of  
17 the possession, use or benefit of any merchandise  
18 displayed, held, stored or offered for sale in a retail  
19 mercantile establishment without paying the full retail  
20 value of such merchandise; or

21           (8) Obtains or exerts unauthorized control over  
22 property of the owner and thereby intends to deprive the  
23 owner permanently of the use or benefit of the property  
24 when a lessee of the personal property of another fails to  
25 return it to the owner, or if the lessee fails to pay the  
26 full retail value of such property to the lessor in

1 satisfaction of any contractual provision requiring such,  
2 within 10 days after written demand from the owner for its  
3 return. A notice in writing, given after the expiration of  
4 the leasing agreement, by registered mail, to the lessee at  
5 the address given by the lessee and shown on the leasing  
6 agreement shall constitute proper demand.

7 (b) Theft by emergency exit. A person commits theft by  
8 emergency exit when he or she commits a retail theft as defined  
9 in subdivisions (a)(1) through (a)(8) of this Section and to  
10 facilitate the theft he or she leaves the retail mercantile  
11 establishment by use of a designated emergency exit.

12 (c) Permissive inference. If any person:

13 (1) conceals upon his or her person or among his or her  
14 belongings unpurchased merchandise displayed, held, stored  
15 or offered for sale in a retail mercantile establishment;  
16 and

17 (2) removes that merchandise beyond the last known  
18 station for receiving payments for that merchandise in that  
19 retail mercantile establishment,

20 then the trier of fact may infer that the person possessed,  
21 carried away or transferred such merchandise with the intention  
22 of retaining it or with the intention of depriving the merchant  
23 permanently of the possession, use or benefit of such  
24 merchandise without paying the full retail value of such  
25 merchandise.

26 To "conceal" merchandise means that, although there may be

1 some notice of its presence, that merchandise is not visible  
2 through ordinary observation.

3 (d) Venue. Multiple thefts committed by the same person as  
4 part of a continuing course of conduct in different  
5 jurisdictions that have been aggregated in one jurisdiction may  
6 be prosecuted in any jurisdiction in which one or more of the  
7 thefts occurred.

8 (e) For the purposes of this Section, "theft detection  
9 shielding device" means any laminated or coated bag or device  
10 designed and intended to shield merchandise from detection by  
11 an electronic or magnetic theft alarm sensor.

12 (f) Sentence.

13 (1) A violation of any of subdivisions (a)(1) through  
14 (a)(6) and (a)(8) of this Section, the full retail value of  
15 which does not exceed \$2,000 ~~\$300~~ for property other than  
16 motor fuel or \$150 for motor fuel, is a Class A  
17 misdemeanor. A violation of subdivision (a)(7) of this  
18 Section is a Class A misdemeanor for a first offense and a  
19 Class 4 felony for a second or subsequent offense. Theft by  
20 emergency exit of property, the full retail value of which  
21 does not exceed \$2,000 ~~\$300~~, is a Class 4 felony.

22 (2) A person who has been convicted of retail theft of  
23 property under any of subdivisions (a)(1) through (a)(6)  
24 and (a)(8) of this Section, the full retail value of which  
25 does not exceed \$2,000 ~~\$300~~ for property other than motor  
26 fuel or \$150 for motor fuel, and who has been previously

1 convicted of any type of theft, robbery, armed robbery,  
2 burglary, residential burglary, possession of burglary  
3 tools, home invasion, unlawful use of a credit card, or  
4 forgery is guilty of a Class 4 felony. A person who has  
5 been convicted of theft by emergency exit of property, the  
6 full retail value of which does not exceed \$2,000 ~~\$300~~, and  
7 who has been previously convicted of felony ~~any type of~~  
8 ~~theft, robbery, armed robbery, burglary, residential~~  
9 ~~burglary, possession of burglary tools, home invasion,~~  
10 ~~unlawful use of a credit card, or forgery~~ is guilty of a  
11 Class 3 felony.

12 (3) Any retail theft of property under any of  
13 subdivisions (a)(1) through (a)(6) and (a)(8) of this  
14 Section, the full retail value of which exceeds \$2,000 ~~\$300~~  
15 for property other than motor fuel or \$150 for motor fuel  
16 in a single transaction, or in separate transactions  
17 committed by the same person as part of a continuing course  
18 of conduct from one or more mercantile establishments over  
19 a period of one year, is a Class 3 felony. Theft by  
20 emergency exit of property, the full retail value of which  
21 exceeds \$2,000 ~~\$300~~ in a single transaction, or in separate  
22 transactions committed by the same person as part of a  
23 continuing course of conduct from one or more mercantile  
24 establishments over a period of one year, is a Class 2  
25 felony. When a charge of retail theft of property or theft  
26 by emergency exit of property, the full value of which

1 exceeds \$2,000 ~~\$300~~, is brought, the value of the property  
2 involved is an element of the offense to be resolved by the  
3 trier of fact as either exceeding or not exceeding \$2,000  
4 ~~\$300~~.

5 (Source: P.A. 97-597, eff. 1-1-12.)

6 Section 10. The Cannabis Control Act is amended by changing  
7 Sections 4, 5, 5.1, 5.2, 7, 8, and 10 as follows:

8 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

9 Sec. 4. It is unlawful for any person knowingly to possess  
10 cannabis. Any person who violates this section with respect to:

11 (a) not more than 30 ~~10~~ grams of any substance  
12 containing cannabis is guilty of a civil law violation  
13 punishable by a ~~minimum~~ fine not to exceed \$125 ~~of \$100 and~~  
14 ~~a maximum fine of \$200~~. The proceeds of the fine shall be  
15 payable to the clerk of the circuit court. Within 30 days  
16 after the deposit of the fine, the clerk shall distribute  
17 the proceeds of the fine as follows:

18 (1) \$10 of the fine to the circuit clerk and \$10 of  
19 the fine to the law enforcement agency that issued the  
20 citation; the proceeds of each \$10 fine distributed to  
21 the circuit clerk and each \$10 fine distributed to the  
22 law enforcement agency that issued the citation for the  
23 violation shall be used to defer the cost of automatic  
24 expungements under paragraph (2.5) of subsection (a)

- 1 of Section 5.2 of the Criminal Identification Act;
- 2 (2) \$15 to the county to fund drug addiction
- 3 services;
- 4 (3) \$10 to the Office of the State's Attorneys
- 5 Appellate Prosecutor for use in training programs;
- 6 (4) \$10 to the State's Attorney; and
- 7 (5) any remainder of the fine to the law
- 8 enforcement agency that issued the citation for the
- 9 violation.

10 With respect to funds designated for the Department of

11 State Police, the moneys shall be remitted by the circuit

12 court clerk to the Department of State Police within one

13 month after receipt for deposit into the State Police

14 Operations Assistance Fund. With respect to funds

15 designated for the Department of Natural Resources, the

16 Department of Natural Resources shall deposit the moneys

17 into the Conservation Police Operations Assistance Fund;

18 (b) (blank); ~~more than 10 grams but not more than 30~~

19 ~~grams of any substance containing cannabis is guilty of a~~

20 ~~Class B misdemeanor;~~

21 (c) more than 30 grams but not more than 500 ~~100~~ grams

22 of any substance containing cannabis is guilty of a Class A

23 misdemeanor; ~~provided, that if any offense under this~~

24 ~~subsection (c) is a subsequent offense, the offender shall~~

25 ~~be guilty of a Class 4 felony;~~

26 (d) (blank); ~~more than 100 grams but not more than 500~~

1 ~~grams of any substance containing cannabis is guilty of a~~  
2 ~~Class 4 felony; provided that if any offense under this~~  
3 ~~subsection (d) is a subsequent offense, the offender shall~~  
4 ~~be guilty of a Class 3 felony;~~

5 (e) more than 500 grams but not more than 2,000 grams  
6 of any substance containing cannabis is guilty of a Class 4  
7 ~~3~~ felony;

8 (f) more than 2,000 grams but not more than 5,000 grams  
9 of any substance containing cannabis is guilty of a Class 3  
10 ~~2~~ felony;

11 (g) more than 5,000 grams of any substance containing  
12 cannabis is guilty of a Class 2 ~~±~~ felony.

13 (Source: P.A. 99-697, eff. 7-29-16.)

14 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

15 Sec. 5. It is unlawful for any person knowingly to  
16 manufacture, deliver, or possess with intent to deliver, or  
17 manufacture, cannabis. Any person who violates this section  
18 with respect to:

19 (a) not more than 10 ~~2.5~~ grams of any substance containing  
20 cannabis is guilty of a Class B misdemeanor;

21 (b) (blank) ~~more than 2.5 grams but not more than 10 grams~~  
22 ~~of any substance containing cannabis is guilty of a Class A~~  
23 ~~misdemeanor;~~

24 (c) more than 10 grams but not more than 30 grams of any  
25 substance containing cannabis is guilty of a Class A

1 misdemeanor ~~4 felony~~;

2 (d) more than 30 grams but not more than 500 grams of any  
3 substance containing cannabis is guilty of a Class 4 ~~3~~ felony  
4 for which a fine not to exceed \$50,000 may be imposed;

5 (e) more than 500 grams but not more than 2,000 grams of  
6 any substance containing cannabis is guilty of a Class 3 ~~2~~  
7 felony for which a fine not to exceed \$100,000 may be imposed;

8 (f) more than 2,000 grams ~~but not more than 5,000 grams~~ of  
9 any substance containing cannabis is guilty of a Class 2 ~~1~~  
10 felony for which a fine not to exceed \$150,000 may be imposed;

11 (g) (blank). ~~more than 5,000 grams of any substance~~  
12 ~~containing cannabis is guilty of a Class X felony for which a~~  
13 ~~fine not to exceed \$200,000 may be imposed.~~

14 (Source: P.A. 90-397, eff. 8-15-97.)

15 (720 ILCS 550/5.1) (from Ch. 56 1/2, par. 705.1)

16 Sec. 5.1. Cannabis Trafficking.

17 (a) Except for purposes authorized by this Act, any person  
18 who knowingly brings or causes to be brought into this State  
19 for the purpose of manufacture or delivery or with the intent  
20 to manufacture or deliver 2,500 grams or more of cannabis in  
21 this State or any other state or country is guilty of cannabis  
22 trafficking.

23 (a-5) A person convicted of cannabis trafficking shall be  
24 sentenced as authorized by Section 5, based upon the amount of  
25 the cannabis brought or caused to be brought into this State,

1 if the person at sentencing proves by a preponderance of the  
2 evidence that he or she:

3 (1) received little or no compensation from the illegal  
4 transport of the cannabis into this State and had minimal  
5 knowledge of the scope and structure of the enterprise to  
6 manufacture or deliver the cannabis transported; or

7 (2) was not involved in the organization or planning of  
8 the enterprise to manufacture or deliver the cannabis  
9 transported.

10 (b) Except as otherwise provided in subsection (a-5), a ~~A~~  
11 person convicted of cannabis trafficking is guilty of a Class 1  
12 felony shall be sentenced to a term of imprisonment not less  
13 than twice the minimum term and fined an amount as authorized  
14 by subsection (f) or (g) of Section 5 of this Act, based upon  
15 the amount of cannabis brought or caused to be brought into  
16 this State, and not more than twice the maximum term of  
17 imprisonment and fined twice the amount as authorized by  
18 subsection (f) or (g) of Section 5 of this Act, based upon the  
19 amount of cannabis brought or caused to be brought into this  
20 State.

21 (Source: P.A. 90-397, eff. 8-15-97.)

22 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

23 Sec. 5.2. Delivery of cannabis on school grounds.

24 (a.01) Any person who violates subsection (f) of Section 5  
25 in any school, on the real property comprising any school, or

1 any conveyance owned, leased or contracted by a school to  
2 transport students to or from school or a school-related  
3 activity, or on any public way within 500 feet of the real  
4 property comprising any school, or any conveyance owned, leased  
5 or contracted by a school to transport students to or from  
6 school or a school-related activity, is guilty of a Class 1  
7 felony;

8 (a) Any person who violates subsection (e) of Section 5 in  
9 any school, on the real property comprising any school, or any  
10 conveyance owned, leased or contracted by a school to transport  
11 students to or from school or a school-related ~~school-related~~  
12 activity, or on any public way within 500 feet of the real  
13 property comprising any school, or in any conveyance owned,  
14 leased or contracted by a school to transport students to or  
15 from school or a school-related ~~school-related~~ activity, and at  
16 the time of the violation persons under the age of 18 are  
17 present, the offense is committed during school hours, or the  
18 offense is committed at times when persons under the age of 18  
19 are reasonably expected to be present in the school, in the  
20 conveyance, on the real property, or on the public way, such as  
21 when after-school activities are occurring, is guilty of a  
22 Class 2 ~~1~~ felony, the fine for which shall not exceed \$200,000;

23 (b) Any person who violates subsection (d) of Section 5 in  
24 any school, on the real property comprising any school, or any  
25 conveyance owned, leased or contracted by a school to transport  
26 students to or from school or a school-related ~~school-related~~

1 activity, or on any public way within 500 feet of the real  
2 property comprising any school, or in any conveyance owned,  
3 leased or contracted by a school to transport students to or  
4 from school or a school-related ~~school-related~~ activity, and at  
5 the time of the violation persons under the age of 18 are  
6 present, the offense is committed during school hours, or the  
7 offense is committed at times when persons under the age of 18  
8 are reasonably expected to be present in the school, in the  
9 conveyance, on the real property, or on the public way, such as  
10 when after-school activities are occurring, is guilty of a  
11 Class 3 ~~2~~ felony, the fine for which shall not exceed \$100,000;

12 (c) Any person who violates subsection (c) of Section 5  
13 with respect to more than 15 grams of any substance containing  
14 cannabis in any school, on the real property comprising any  
15 school, or any conveyance owned, leased or contracted by a  
16 school to transport students to or from school or a  
17 school-related ~~school-related~~ activity, or on any public way  
18 within 500 feet of the real property comprising any school, or  
19 in any conveyance owned, leased or contracted by a school to  
20 transport students to or from school or a school-related ~~school~~  
21 ~~related~~ activity, and at the time of the violation persons  
22 under the age of 18 are present, the offense is committed  
23 during school hours, or the offense is committed at times when  
24 persons under the age of 18 are reasonably expected to be  
25 present in the school, in the conveyance, on the real property,  
26 or on the public way, such as when after-school activities are

1 occurring, is guilty of a Class 4 ~~3~~ felony, the fine for which  
2 shall not exceed \$50,000;

3 (d) (Blank) ~~Any person who violates subsection (b) of~~  
4 ~~Section 5 in any school, on the real property comprising any~~  
5 ~~school, or any conveyance owned, leased or contracted by a~~  
6 ~~school to transport students to or from school or a school~~  
7 ~~related activity, or on any public way within 500 feet of the~~  
8 ~~real property comprising any school, or in any conveyance~~  
9 ~~owned, leased or contracted by a school to transport students~~  
10 ~~to or from school or a school related activity, and at the time~~  
11 ~~of the violation persons under the age of 18 are present, the~~  
12 ~~offense is committed during school hours, or the offense is~~  
13 ~~committed at times when persons under the age of 18 are~~  
14 ~~reasonably expected to be present in the school, in the~~  
15 ~~conveyance, on the real property, or on the public way, such as~~  
16 ~~when after school activities are occurring, is guilty of a~~  
17 ~~Class 4 felony, the fine for which shall not exceed \$25,000;~~

18 (e) (Blank) ~~Any person who violates subsection (a) of~~  
19 ~~Section 5 in any school, on the real property comprising any~~  
20 ~~school, or in any conveyance owned, leased or contracted by a~~  
21 ~~school to transport students to or from school or a school~~  
22 ~~related activity, on any public way within 500 feet of the real~~  
23 ~~property comprising any school, or any conveyance owned, leased~~  
24 ~~or contracted by a school to transport students to or from~~  
25 ~~school or a school related activity, and at the time of the~~  
26 ~~violation persons under the age of 18 are present, the offense~~

1 ~~is committed during school hours, or the offense is committed~~  
2 ~~at times when persons under the age of 18 are reasonably~~  
3 ~~expected to be present in the school, in the conveyance, on the~~  
4 ~~real property, or on the public way, such as when after school~~  
5 ~~activities are occurring, is guilty of a Class A misdemeanor.~~

6 (Source: P.A. 100-3, eff. 1-1-18.)

7 (720 ILCS 550/7) (from Ch. 56 1/2, par. 707)

8 Sec. 7. Delivery of cannabis by a person at least 18 years  
9 of age to a person under 18 years of age who is at least 3 years  
10 his or her junior.

11 (a) Any person who is at least 18 years of age who violates  
12 subsection (f) of Section 5 of this Act by delivering cannabis  
13 to a person under 18 years of age who is at least 3 years his  
14 junior may, at the discretion of the court, be sentenced to a  
15 maximum term of imprisonment that is equal to the maximum term  
16 of imprisonment for the underlying offense plus the minimum  
17 term of imprisonment for the underlying offense.

18 ~~may be sentenced to imprisonment for a term up to twice the~~  
19 ~~maximum term otherwise authorized by Section 5.~~

20 (b) Any person under 18 years of age who violates Section 4  
21 or 5 of this Act may be treated by the court in accordance with  
22 the Juvenile Court Act of 1987.

23 (Source: P.A. 85-1209.)

24 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

1           Sec. 8. It is unlawful for any person knowingly to produce  
2 the cannabis sativa plant or to possess such plants unless  
3 production or possession has been authorized pursuant to the  
4 provisions of Section 11 or 15.2 of the Act. Any person who  
5 violates this Section with respect to production or possession  
6 of:

7           (a) Not more than 5 plants is guilty of a Class B ~~A~~  
8 misdemeanor.

9           (b) More than 5, but not more than 20 plants, is guilty of  
10 a Class A misdemeanor ~~4-felony~~.

11           (c) More than 20, but not more than 50 plants, is guilty of  
12 a Class 4 ~~3~~ felony.

13           (d) More than 50, but not more than 200 plants, is guilty  
14 of a Class 3 ~~2~~ felony for which a fine not to exceed \$100,000  
15 may be imposed and for which liability for the cost of  
16 conducting the investigation and eradicating such plants may be  
17 assessed. Compensation for expenses incurred in the  
18 enforcement of this provision shall be transmitted to and  
19 deposited in the treasurer's office at the level of government  
20 represented by the Illinois law enforcement agency whose  
21 officers or employees conducted the investigation or caused the  
22 arrest or arrests leading to the prosecution, to be  
23 subsequently made available to that law enforcement agency as  
24 expendable receipts for use in the enforcement of laws  
25 regulating controlled substances and cannabis. If such seizure  
26 was made by a combination of law enforcement personnel

1 representing different levels of government, the court levying  
2 the assessment shall determine the allocation of such  
3 assessment. The proceeds of assessment awarded to the State  
4 treasury shall be deposited in a special fund known as the Drug  
5 Traffic Prevention Fund.

6 (e) More than 200 plants is guilty of a Class 2 ± felony  
7 for which a fine not to exceed \$100,000 may be imposed and for  
8 which liability for the cost of conducting the investigation  
9 and eradicating such plants may be assessed. Compensation for  
10 expenses incurred in the enforcement of this provision shall be  
11 transmitted to and deposited in the treasurer's office at the  
12 level of government represented by the Illinois law enforcement  
13 agency whose officers or employees conducted the investigation  
14 or caused the arrest or arrests leading to the prosecution, to  
15 be subsequently made available to that law enforcement agency  
16 as expendable receipts for use in the enforcement of laws  
17 regulating controlled substances and cannabis. If such seizure  
18 was made by a combination of law enforcement personnel  
19 representing different levels of government, the court levying  
20 the assessment shall determine the allocation of such  
21 assessment. The proceeds of assessment awarded to the State  
22 treasury shall be deposited in a special fund known as the Drug  
23 Traffic Prevention Fund.

24 (Source: P.A. 98-1072, eff. 1-1-15.)

25 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

1           Sec. 10. (a) Whenever any person who has not previously  
2 been convicted of any felony offense under this Act or any law  
3 of the United States or of any State relating to cannabis, or  
4 controlled substances as defined in the Illinois Controlled  
5 Substances Act, pleads guilty to or is found guilty of  
6 violating Sections 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of  
7 this Act, the court may, without entering a judgment and with  
8 the consent of such person, sentence him to probation.

9           (b) When a person is placed on probation, the court shall  
10 enter an order specifying a period of probation of 24 months,  
11 and shall defer further proceedings in the case until the  
12 conclusion of the period or until the filing of a petition  
13 alleging violation of a term or condition of probation.

14           (c) The conditions of probation shall be that the person:  
15 (1) not violate any criminal statute of any jurisdiction; (2)  
16 refrain from possession of a firearm or other dangerous weapon;  
17 (3) submit to periodic drug testing at a time and in a manner  
18 as ordered by the court, but no less than 3 times during the  
19 period of the probation, with the cost of the testing to be  
20 paid by the probationer; and (4) perform no less than 30 hours  
21 of community service, provided community service is available  
22 in the jurisdiction and is funded and approved by the county  
23 board. The court may give credit toward the fulfillment of  
24 community service hours for participation in activities and  
25 treatment as determined by court services.

26           (d) The court may, in addition to other conditions, require

1 that the person:

2 (1) make a report to and appear in person before or  
3 participate with the court or such courts, person, or  
4 social service agency as directed by the court in the order  
5 of probation;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational  
8 training;

9 (4) undergo medical or psychiatric treatment; or  
10 treatment for drug addiction or alcoholism;

11 (5) attend or reside in a facility established for the  
12 instruction or residence of defendants on probation;

13 (6) support his dependents;

14 (7) refrain from possessing a firearm or other  
15 dangerous weapon;

16 (7-5) refrain from having in his or her body the  
17 presence of any illicit drug prohibited by the Cannabis  
18 Control Act, the Illinois Controlled Substances Act, or the  
19 Methamphetamine Control and Community Protection Act,  
20 unless prescribed by a physician, and submit samples of his  
21 or her blood or urine or both for tests to determine the  
22 presence of any illicit drug;

23 (8) and in addition, if a minor:

24 (i) reside with his parents or in a foster home;

25 (ii) attend school;

26 (iii) attend a non-residential program for youth;

1                   (iv) contribute to his own support at home or in a  
2                   foster home.

3                   (e) Upon violation of a term or condition of probation, the  
4                   court may enter a judgment on its original finding of guilt and  
5                   proceed as otherwise provided.

6                   (f) Upon fulfillment of the terms and conditions of  
7                   probation, the court shall discharge such person and dismiss  
8                   the proceedings against him.

9                   (g) A disposition of probation is considered to be a  
10                  conviction for the purposes of imposing the conditions of  
11                  probation and for appeal, however, discharge and dismissal  
12                  under this Section is not a conviction for purposes of  
13                  disqualification or disabilities imposed by law upon  
14                  conviction of a crime (including the additional penalty imposed  
15                  for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)  
16                  of this Act).

17                  (h) (Blank). ~~A person may not have more than one discharge~~  
18                  ~~and dismissal under this Section within a 4 year period.~~

19                  (i) If a person is convicted of an offense under this Act,  
20                  the Illinois Controlled Substances Act, or the Methamphetamine  
21                  Control and Community Protection Act within 5 years subsequent  
22                  to a discharge and dismissal under this Section, the discharge  
23                  and dismissal under this Section shall be admissible in the  
24                  sentencing proceeding for that conviction as a factor in  
25                  aggravation.

26                  (j) Notwithstanding subsection (a), before a person is

1 sentenced to probation under this Section, the court may refer  
2 the person to the drug court established in that judicial  
3 circuit pursuant to Section 15 of the Drug Court Treatment Act.  
4 The drug court team shall evaluate the person's likelihood of  
5 successfully completing a sentence of probation under this  
6 Section and shall report the results of its evaluation to the  
7 court. If the drug court team finds that the person suffers  
8 from a substance abuse problem that makes him or her  
9 substantially unlikely to successfully complete a sentence of  
10 probation under this Section, then the drug court shall set  
11 forth its findings in the form of a written order, and the  
12 person shall not be sentenced to probation under this Section,  
13 but shall be considered for the drug court program.

14 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18; 100-575,  
15 eff. 1-8-18.)

16 (720 ILCS 550/9 rep.)

17 Section 15. The Cannabis Control Act is amended by  
18 repealing Section 9.

19 Section 20. The Illinois Controlled Substances Act is  
20 amended by changing Sections 401, 401.1, 402, 404, 405.2, 407,  
21 407.1, 407.2, and 410 as follows:

22 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

23 Sec. 401. Manufacture or delivery, or possession with

1 intent to manufacture or deliver, a controlled substance, a  
2 counterfeit substance, or controlled substance analog. Except  
3 as authorized by this Act, it is unlawful for any person  
4 knowingly to manufacture or deliver, or possess with intent to  
5 manufacture or deliver, a controlled substance other than  
6 methamphetamine and other than bath salts as defined in the  
7 Bath Salts Prohibition Act sold or offered for sale in a retail  
8 mercantile establishment as defined in Section 16-0.1 of the  
9 Criminal Code of 2012, a counterfeit substance, or a controlled  
10 substance analog. A violation of this Act with respect to each  
11 of the controlled substances listed herein constitutes a single  
12 and separate violation of this Act. For purposes of this  
13 Section, "controlled substance analog" or "analog" means a  
14 substance, other than a controlled substance, which is not  
15 approved by the United States Food and Drug Administration or,  
16 if approved, is not dispensed or possessed in accordance with  
17 State or federal law, and that has a chemical structure  
18 substantially similar to that of a controlled substance in  
19 Schedule I or II, or that was specifically designed to produce  
20 an effect substantially similar to that of a controlled  
21 substance in Schedule I or II. Examples of chemical classes in  
22 which controlled substance analogs are found include, but are  
23 not limited to, the following: phenethylamines, N-substituted  
24 piperidines, morphinans, ecgonines, quinazolinones,  
25 substituted indoles, and arylcycloalkylamines. For purposes of  
26 this Act, a controlled substance analog shall be treated in the

1 same manner as the controlled substance to which it is  
2 substantially similar.

3 (a) Any person who violates this Section with respect to  
4 the following amounts of controlled or counterfeit substances  
5 or controlled substance analogs, notwithstanding any of the  
6 provisions of subsections (c), (d), ~~(e)~~, (f), (g) or (h) to the  
7 contrary, ~~is guilty of a Class X felony~~ and shall be sentenced  
8 for the class of offense to a term of imprisonment as provided  
9 in this subsection (a) and fined as provided in subsection (b):

10 (1) (A) a Class 2 felony ~~not less than 6 years and not~~  
11 ~~more than 30 years~~ with respect to 15 grams or more but  
12 less than 100 grams of a substance containing heroin, or an  
13 analog thereof;

14 (B) a Class 1 felony ~~not less than 9 years and not more~~  
15 ~~than 40 years~~ with respect to 100 grams or more but less  
16 than 900 ~~400~~ grams of a substance containing heroin, or an  
17 analog thereof;

18 (C) (blank); ~~not less than 12 years and not more than~~  
19 ~~50 years with respect to 400 grams or more but less than~~  
20 ~~900 grams of a substance containing heroin, or an analog~~  
21 ~~thereof;~~

22 (D) a Class 1 felony for which the person, if sentenced  
23 to a term of imprisonment, shall be sentenced to not less  
24 than 6 ~~15~~ years and not more than 30 ~~60~~ years with respect  
25 to 900 grams or more of any substance containing heroin, or  
26 an analog thereof;

1           (1.5) (A) a Class 2 felony ~~not less than 6 years and not~~  
2 ~~more than 30 years~~ with respect to 15 grams or more but  
3 less than 100 grams of a substance containing fentanyl, or  
4 an analog thereof;

5           (B) a Class 1 felony ~~not less than 9 years and not more~~  
6 ~~than 40 years~~ with respect to 900 ~~100~~ grams or more but  
7 less than 400 grams of a substance containing fentanyl, or  
8 an analog thereof;

9           (C) (blank); ~~not less than 12 years and not more than~~  
10 ~~50 years with respect to 400 grams or more but less than~~  
11 ~~900 grams of a substance containing fentanyl, or an analog~~  
12 ~~thereof;~~

13           (D) a Class 1 felony for which the person, if sentenced  
14 to a term of imprisonment, shall be sentenced to not less  
15 than 6 ~~15~~ years and not more than 30 ~~60~~ years with respect  
16 to 900 grams or more of a substance containing fentanyl, or  
17 an analog thereof;

18           (2) (A) a Class 2 felony ~~not less than 6 years and not~~  
19 ~~more than 30 years~~ with respect to 15 grams or more but  
20 less than 100 grams of a substance containing cocaine, or  
21 an analog thereof;

22           (B) a Class 1 felony ~~not less than 9 years and not more~~  
23 ~~than 40 years~~ with respect to 100 grams or more but less  
24 than 900 ~~400~~ grams of a substance containing cocaine, or an  
25 analog thereof;

26           (C) (blank); ~~not less than 12 years and not more than~~

1 ~~50 years with respect to 400 grams or more but less than~~  
2 ~~900 grams of a substance containing cocaine, or an analog~~  
3 ~~thereof;~~

4 (D) a Class 1 felony for which the person, if sentenced  
5 to a term of imprisonment, shall be sentenced to not less  
6 than 6 15 years and not more than 30 60 years with respect  
7 to 900 grams or more of any substance containing cocaine,  
8 or an analog thereof;

9 (3) (A) a Class 2 felony ~~not less than 6 years and not~~  
10 ~~more than 30 years~~ with respect to 15 grams or more but  
11 less than 100 grams of a substance containing morphine, or  
12 an analog thereof;

13 (B) a Class 1 felony ~~not less than 9 years and not more~~  
14 ~~than 40 years~~ with respect to 100 grams or more but less  
15 than 900 400 grams of a substance containing morphine, or  
16 an analog thereof;

17 (C) (blank); ~~not less than 12 years and not more than~~  
18 ~~50 years with respect to 400 grams or more but less than~~  
19 ~~900 grams of a substance containing morphine, or an analog~~  
20 ~~thereof;~~

21 (D) a Class 1 felony for which the person, if sentenced  
22 to a term of imprisonment, shall be sentenced to not less  
23 than 6 15 years and not more than 30 60 years with respect  
24 to 900 grams or more of a substance containing morphine, or  
25 an analog thereof;

26 (4) a Class 1 felony with respect to 200 grams or more

1 of any substance containing peyote, or an analog thereof;

2 (5) a Class 1 felony with respect to 200 grams or more  
3 of any substance containing a derivative of barbituric acid  
4 or any of the salts of a derivative of barbituric acid, or  
5 an analog thereof;

6 (6) a Class 1 felony with respect to 200 grams or more  
7 of any substance containing amphetamine or any salt of an  
8 optical isomer of amphetamine, or an analog thereof;

9 (6.5) (blank);

10 (6.6) (blank);

11 (7) (A) a Class 2 felony ~~not less than 6 years~~ and not  
12 more than 30 years with respect to: (i) 15 grams or more  
13 but less than 100 grams of a substance containing lysergic  
14 acid diethylamide (LSD), or an analog thereof, or (ii) 15  
15 or more objects or 15 or more segregated parts of an object  
16 or objects but less than 200 objects or 200 segregated  
17 parts of an object or objects containing in them or having  
18 upon them any amounts of any substance containing lysergic  
19 acid diethylamide (LSD), or an analog thereof;

20 (B) a Class 1 felony ~~not less than 9 years~~ and not more  
21 than 40 years with respect to: (i) 100 grams or more but  
22 less than 900 ~~400~~ grams of a substance containing lysergic  
23 acid diethylamide (LSD), or an analog thereof, or (ii) 200  
24 or more objects or 200 or more segregated parts of an  
25 object or objects but less than 1500 ~~600~~ objects or less  
26 than 1500 ~~600~~ segregated parts of an object or objects

1 containing in them or having upon them any amount of any  
2 substance containing lysergic acid diethylamide (LSD), or  
3 an analog thereof;

4 (C) (blank); ~~not less than 12 years and not more than~~  
5 ~~50 years with respect to: (i) 400 grams or more but less~~  
6 ~~than 900 grams of a substance containing lysergic acid~~  
7 ~~diethylamide (LSD), or an analog thereof, or (ii) 600 or~~  
8 ~~more objects or 600 or more segregated parts of an object~~  
9 ~~or objects but less than 1500 objects or 1500 segregated~~  
10 ~~parts of an object or objects containing in them or having~~  
11 ~~upon them any amount of any substance containing lysergic~~  
12 ~~acid diethylamide (LSD), or an analog thereof;~~

13 (D) a Class 1 felony for which the person, if sentenced  
14 to a term of imprisonment, shall be sentenced to not less  
15 than 6 15 years and not more than 30 60 years with respect  
16 to: (i) 900 grams or more of any substance containing  
17 lysergic acid diethylamide (LSD), or an analog thereof, or  
18 (ii) 1500 or more objects or 1500 or more segregated parts  
19 of an object or objects containing in them or having upon  
20 them any amount of a substance containing lysergic acid  
21 diethylamide (LSD), or an analog thereof;

22 (7.5) (A) a Class 2 felony ~~not less than 6 years and not~~  
23 ~~more than 30 years with respect to: (i) 15 grams or more~~  
24 ~~but less than 100 grams of a substance listed in paragraph~~  
25 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),~~  
26 ~~(21), (25), or (26) of subsection (d) of Section 204, or an~~

1 analog or derivative thereof, or (ii) 15 or more pills,  
2 tablets, caplets, capsules, or objects but less than 200  
3 pills, tablets, caplets, capsules, or objects containing  
4 in them or having upon them any amounts of any substance  
5 listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1),  
6 (19), (20), (20.1), (21), (25), or (26) of subsection (d)  
7 of Section 204, or an analog or derivative thereof;

8 (B) a Class 1 felony ~~not less than 9 years and not more~~  
9 ~~than 40 years~~ with respect to: (i) 100 grams or more but  
10 less than 400 grams of a substance listed in paragraph (1),  
11 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21),  
12 (25), or (26) of subsection (d) of Section 204, or an  
13 analog or derivative thereof, or (ii) 200 or more pills,  
14 tablets, caplets, capsules, or objects but less than 600  
15 pills, tablets, caplets, capsules, or objects containing  
16 in them or having upon them any amount of any substance  
17 listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1),  
18 (19), (20), (20.1), (21), (25), or (26) of subsection (d)  
19 of Section 204, or an analog or derivative thereof;

20 (C) a Class 1 felony for which the person, if sentenced  
21 to a term of imprisonment, shall be sentenced to not less  
22 than 6 ~~12~~ years and not more than 30 ~~50~~ years with respect  
23 to: (i) 400 grams or more ~~but less than 900 grams~~ of a  
24 substance listed in paragraph (1), (2), (2.1), (2.2), (3),  
25 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
26 subsection (d) of Section 204, or an analog or derivative

1           thereof, or (ii) 600 or more pills, tablets, caplets,  
2           capsules, or objects ~~but less than 1,500 pills, tablets,~~  
3           ~~caplets, capsules, or objects~~ containing in them or having  
4           upon them any amount of any substance listed in paragraph  
5           (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),  
6           (21), (25), or (26) of subsection (d) of Section 204, or an  
7           analog or derivative thereof;

8           (D) (blank); ~~not less than 15 years and not more than~~  
9           ~~60 years with respect to: (i) 900 grams or more of any~~  
10           ~~substance listed in paragraph (1), (2), (2.1), (2.2), (3),~~  
11           ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~  
12           ~~subsection (d) of Section 204, or an analog or derivative~~  
13           ~~thereof, or (ii) 1,500 or more pills, tablets, caplets,~~  
14           ~~capsules, or objects containing in them or having upon them~~  
15           ~~any amount of a substance listed in paragraph (1), (2),~~  
16           ~~(2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25),~~  
17           ~~or (26) of subsection (d) of Section 204, or an analog or~~  
18           ~~derivative thereof;~~

19           (8) a Class 1 felony with respect to 30 grams or more  
20           of any substance containing pentazocine or any of the  
21           salts, isomers and salts of isomers of pentazocine, or an  
22           analog thereof;

23           (9) a Class 1 felony with respect to 30 grams or more  
24           of any substance containing methaqualone or any of the  
25           salts, isomers and salts of isomers of methaqualone, or an  
26           analog thereof;

1           (10) a Class 1 felony with respect to 30 grams or more  
2 of any substance containing phencyclidine or any of the  
3 salts, isomers and salts of isomers of phencyclidine (PCP),  
4 or an analog thereof;

5           (10.5) a Class 1 felony with respect to 30 grams or  
6 more of any substance containing ketamine or any of the  
7 salts, isomers and salts of isomers of ketamine, or an  
8 analog thereof;

9           (10.6) a Class 1 felony with respect to 100 grams or  
10 more of any substance containing hydrocodone, or any of the  
11 salts, isomers and salts of isomers of hydrocodone, or an  
12 analog thereof;

13           (10.7) (blank);

14           (10.8) a Class 1 felony with respect to 100 grams or  
15 more of any substance containing dihydrocodeine, or any of  
16 the salts, isomers and salts of isomers of dihydrocodeine,  
17 or an analog thereof;

18           (10.9) a Class 1 felony with respect to 100 grams or  
19 more of any substance containing oxycodone, or any of the  
20 salts, isomers and salts of isomers of oxycodone, or an  
21 analog thereof;

22           (11) a Class 1 felony with respect to 200 grams or more  
23 of any substance containing any other controlled substance  
24 classified in Schedules I or II, or an analog thereof,  
25 which is not otherwise included in this subsection.

26           (b) Any person sentenced with respect to violations of

1 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)  
2 involving 100 grams or more of the controlled substance named  
3 therein, may in addition to the penalties provided therein, be  
4 fined an amount not more than \$500,000 or the full street value  
5 of the controlled or counterfeit substance or controlled  
6 substance analog, whichever is greater. The term "street value"  
7 shall have the meaning ascribed in Section 110-5 of the Code of  
8 Criminal Procedure of 1963. Any person sentenced with respect  
9 to any other provision of subsection (a), may in addition to  
10 the penalties provided therein, be fined an amount not to  
11 exceed \$500,000.

12 (b-1) Excluding violations of this Act when the controlled  
13 substance is fentanyl, any person sentenced to a term of  
14 imprisonment with respect to violations of Section 401, 401.1,  
15 405, 405.1, 405.2, or 407, when it is proven that the person  
16 knew or should have known that the substance containing the  
17 controlled substance contained ~~contains~~ any amount of  
18 fentanyl, a term of imprisonment not to exceed 3 years may, at  
19 the discretion of the court, ~~shall~~ be added to the term of  
20 imprisonment imposed by the court, and the maximum sentence for  
21 the offense, if the additional term is imposed, shall be  
22 increased by that period of time not to exceed 3 years.

23 (c) Any person who violates this Section with regard to the  
24 following amounts of controlled or counterfeit substances or  
25 controlled substance analogs, notwithstanding any of the  
26 provisions of subsections (a), (b), (d), ~~(e)~~, (f), (g) or (h)

1 to the contrary, shall be sentenced for the class of offense as  
2 provided in this subsection (c) is guilty of a Class 1 felony.  
3 ~~The fine for violation of this subsection (c) shall not be more~~  
4 ~~than \$250,000:~~

5 (1) a Class 3 felony with respect to 1 gram or more but  
6 less than 15 grams of any substance containing heroin, or  
7 an analog thereof;

8 (1.5) a Class 3 felony with respect to 1 gram or more  
9 but less than 15 grams of any substance containing  
10 fentanyl, or an analog thereof;

11 (2) a Class 3 felony with respect to 1 gram or more but  
12 less than 15 grams of any substance containing cocaine, or  
13 an analog thereof;

14 (3) a Class 3 felony with respect to ~~10~~ grams or more  
15 but less than 15 grams of any substance containing  
16 morphine, or an analog thereof;

17 (4) a Class 2 felony with respect to 50 grams or more  
18 but less than 200 grams of any substance containing peyote,  
19 or an analog thereof;

20 (4.5) a Class 3 felony with respect to 10 grams or more  
21 but less than 50 grams of any substance containing peyote,  
22 or an analog thereof;

23 (5) a Class 2 felony with respect to 50 grams or more  
24 but less than 200 grams of any substance containing a  
25 derivative of barbituric acid or any of the salts of a  
26 derivative of barbituric acid, or an analog thereof;

1           (5.5) a Class 3 felony with respect to 10 grams or more  
2           but less than 50 grams of any substance containing a  
3           derivative of barbituric acid or any of the salts of a  
4           derivative of barbituric acid, or an analog thereof;

5           (6) a Class 2 felony with respect to 50 grams or more  
6 but less than 200 grams of any substance containing  
7 amphetamine or any salt of an optical isomer of  
8 amphetamine, or an analog thereof;

9           (6.1) a Class 3 felony with respect to 10 grams or more  
10           but less than 50 grams of any substance containing  
11           amphetamine or any salt of an optical isomer of  
12           amphetamine, or an analog thereof;

13           (6.5) (blank);

14           (7) a Class 3 felony with respect to (i) 5 grams or  
15 more but less than 15 grams of any substance containing  
16 lysergic acid diethylamide (LSD), or an analog thereof, or  
17 (ii) more than 10 objects or more than 10 segregated parts  
18 of an object or objects but less than 15 objects or less  
19 than 15 segregated parts of an object containing in them or  
20 having upon them any amount of any substance containing  
21 lysergic acid diethylamide (LSD), or an analog thereof;

22           (7.5) a Class 3 felony with respect to (i) 5 grams or  
23 more but less than 15 grams of any substance listed in  
24 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
25 (20.1), (21), (25), or (26) of subsection (d) of Section  
26 204, or an analog or derivative thereof, or (ii) more than

1 10 pills, tablets, caplets, capsules, or objects but less  
2 than 15 pills, tablets, caplets, capsules, or objects  
3 containing in them or having upon them any amount of any  
4 substance listed in paragraph (1), (2), (2.1), (2.2), (3),  
5 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
6 subsection (d) of Section 204, or an analog or derivative  
7 thereof;

8 (8) a Class 2 felony with respect to 10 grams or more  
9 but less than 30 grams of any substance containing  
10 pentazocine or any of the salts, isomers and salts of  
11 isomers of pentazocine, or an analog thereof;

12 (8.5) a Class 3 felony with respect to 5 grams or more  
13 but less than 10 grams of pentazocine, or an analog  
14 thereof;

15 (9) a Class 2 felony with respect to 10 grams or more  
16 but less than 30 grams of any substance containing  
17 methaqualone or any of the salts, isomers and salts of  
18 isomers of methaqualone, or an analog thereof;

19 (9.5) a Class 3 felony with respect to 5 grams or more  
20 but less than 10 grams of any substance containing  
21 methaqualone or any of the salts, isomers and salts of  
22 isomers of methaqualone, or an analog thereof;

23 (10) a Class 2 felony with respect to 10 grams or more  
24 but less than 30 grams of any substance containing  
25 phencyclidine or any of the salts, isomers and salts of  
26 isomers of phencyclidine (PCP), or an analog thereof;

1           (10.1) a Class 3 felony with respect to 5 grams or more  
2           but less than 10 grams of any substance containing  
3           phencyclidine or any of the salts, isomers and salts of  
4           isomers of phencyclidine (PCP), or an analog thereof;

5           (10.5) a Class 2 felony with respect to 10 grams or  
6 more but less than 30 grams of any substance containing  
7 ketamine or any of the salts, isomers and salts of isomers  
8 of ketamine, or an analog thereof;

9           (10.5-1) a Class 3 felony with respect to 5 grams or  
10           more but less than 10 grams of any substance containing  
11           ketamine or any of the salts, isomers and salts of isomers  
12           of ketamine, or an analog thereof;

13           (10.6) a Class 2 felony with respect to 50 grams or  
14 more but less than 100 grams of any substance containing  
15 hydrocodone, or any of the salts, isomers and salts of  
16 isomers of hydrocodone, or an analog thereof;

17           (10.6-1) a Class 3 felony with respect to 10 grams or  
18           more but less than 50 grams of any substance containing  
19           hydrocodone, or any of the salts, isomers and salts of  
20           isomers of hydrocodone, or an analog thereof;

21           (10.7) (blank);

22           (10.7-1) a Class 3 felony with respect to 10 grams or  
23           more but less than 50 grams of any substance containing  
24           dihydrocodeinone, or any of the salts, isomers and salts of  
25           isomers of dihydrocodeinone, or an analog thereof;

26           (10.8) a Class 2 felony with respect to 50 grams or

1 more but less than 100 grams of any substance containing  
2 dihydrocodeine, or any of the salts, isomers and salts of  
3 isomers of dihydrocodeine, or an analog thereof;

4 (10.8-1) a Class 3 felony with respect to 10 grams or  
5 more but less than 50 grams of any substance containing  
6 dihydrocodeine, or any of the salts, isomers and salts of  
7 isomers of dihydrocodeine, or an analog thereof;

8 (10.9) a Class 2 felony with respect to 50 grams or  
9 more but less than 100 grams of any substance containing  
10 oxycodone, or any of the salts, isomers and salts of  
11 isomers of oxycodone, or an analog thereof;

12 (10.9-1) a Class 3 felony with respect to 10 grams or  
13 more but less than 50 grams of any substance containing  
14 oxycodone, or any of the salts, isomers and salts of  
15 isomers of oxycodone, or an analog thereof;

16 (11) a Class 2 felony with respect to 50 grams or more  
17 but less than 200 grams of any substance containing a  
18 substance classified in Schedules I or II, or an analog  
19 thereof, which is not otherwise included in this subsection  
20 (c).

21 (11.1) a Class 3 felony with respect to 10 grams or  
22 more but less than 50 grams grams of any substance  
23 containing a substance classified in Schedules I or II, or  
24 an analog thereof, which is not otherwise included in this  
25 subsection (c);

26 (c-5) (Blank).

1 (d) Any person who violates this Section with regard to any  
2 other amount of a controlled or counterfeit substance  
3 ~~containing dihydrocodeine or classified in Schedules I or II,~~  
4 ~~or an analog thereof, which is not otherwise included in~~  
5 ~~subsection (a), (b), or (c), which is (i) a narcotic drug, (ii)~~  
6 ~~lysergic acid diethylamide (LSD) or an analog thereof, (iii)~~  
7 ~~any substance containing amphetamine or fentanyl or any salt or~~  
8 ~~optical isomer of amphetamine or fentanyl, or an analog~~  
9 ~~thereof, or (iv) any substance containing N Benzylpiperazine~~  
10 ~~(BZP) or any salt or optical isomer of N Benzylpiperazine~~  
11 ~~(BZP), or an analog thereof,~~ is guilty of a Class 4 2 felony.  
12 ~~The fine for violation of this subsection (d) shall not be more~~  
13 ~~than \$200,000.~~

14 (d-5) (Blank).

15 (e) (Blank). ~~Any person who violates this Section with~~  
16 ~~regard to any other amount of a controlled substance other than~~  
17 ~~methamphetamine or counterfeit substance classified in~~  
18 ~~Schedule I or II, or an analog thereof, which substance is not~~  
19 ~~included under subsection (d) of this Section, is guilty of a~~  
20 ~~Class 3 felony. The fine for violation of this subsection (e)~~  
21 ~~shall not be more than \$150,000.~~

22 (f) Any person who violates this Section with regard to 10  
23 grams or more ~~any other amount~~ of a controlled or counterfeit  
24 substance classified in Schedule III, which is not otherwise  
25 included in subsection (a), (b), or (c), is guilty of a Class 3  
26 felony. ~~The fine for violation of this subsection (f) shall not~~

1 ~~be more than \$125,000.~~

2 (f-1) Any person who violates this Section with regard to  
3 any other amount of a controlled or counterfeit substance  
4 classified in Schedule III which is not otherwise included in  
5 subsection (a), (b), or (c), is guilty of a Class 4 felony.

6 (g) Any person who violates this Section with regard to 10  
7 grams or more ~~any other amount~~ of a controlled or counterfeit  
8 substance classified in Schedule IV is guilty of a Class 3  
9 felony. ~~The fine for violation of this subsection (g) shall not~~  
10 ~~be more than \$100,000.~~

11 (g-1) Any person who violates this Section with regard to  
12 any other amount of a controlled or counterfeit substance  
13 classified in Schedule IV which is not otherwise included in  
14 subsection (a), (b), or (c), is guilty of a Class 4 felony.

15 (h) Any person who violates this Section with regard to 10  
16 grams or more ~~any other amount~~ of a controlled or counterfeit  
17 substance classified in Schedule V, which is not otherwise  
18 included in subsection (a), (b), or (c), is guilty of a Class 3  
19 felony. ~~The fine for violation of this subsection (h) shall not~~  
20 ~~be more than \$75,000.~~

21 (h-1) Any person who violates this Section with regard to  
22 any other amount of a controlled or counterfeit substance  
23 classified in Schedule V, which is not otherwise included in  
24 subsection (a), (b), or (c), is guilty of a Class 4 felony.

25 (i) This Section does not apply to the manufacture,  
26 possession or distribution of a substance in conformance with

1 the provisions of an approved new drug application or an  
2 exemption for investigational use within the meaning of Section  
3 505 of the Federal Food, Drug and Cosmetic Act.

4 (j) (Blank).

5 (Source: P.A. 99-371, eff. 1-1-16; 99-585, eff. 1-1-17;  
6 100-368, eff. 1-1-18.)

7 (720 ILCS 570/401.1) (from Ch. 56 1/2, par. 1401.1)

8 Sec. 401.1. Controlled Substance Trafficking.

9 (a) Except for purposes as authorized by this Act, any  
10 person who knowingly brings or causes to be brought into this  
11 State 400 grams or more of a controlled substance or 600 or  
12 more objects or 600 or more segregated parts of an object or  
13 objects containing in them or having upon them any amounts of  
14 any substance containing lysergic acid diethylamide (LSD), or  
15 an analog thereof or 600 or more pills, tablets, caplets,  
16 capsules, or objects containing in them or having upon them any  
17 amount of any substance listed in paragraph (1), (2), (2.1),  
18 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of  
19 subsection (d) of Section 204, or an analog or derivative  
20 thereof for the purpose of manufacture or delivery or with the  
21 intent to manufacture or deliver a controlled substance other  
22 than methamphetamine or counterfeit substance in this or any  
23 other state or country is guilty of controlled substance  
24 trafficking.

25 (b) Except as otherwise provided in subsection (b-5), a ~~A~~

1 person convicted of controlled substance trafficking shall be  
2 sentenced for the class of an offense that is one class higher  
3 than the amount authorized by Section 401 of this Act for the  
4 manufacture or delivery, or possession with intent to  
5 manufacture or deliver, based upon the amount of controlled or  
6 counterfeit substance brought or caused to be brought into this  
7 State. If the sentence for the underlying offense under Section  
8 401 of this Act is a Class 1 felony for which the offender may  
9 be sentenced to a term of imprisonment of not less than 6 years  
10 and not more than 30 years, the penalty for controlled  
11 substance trafficking is a Class 1 felony for which the person  
12 may be sentenced to a term of imprisonment of not less 9 years  
13 and not more than 40 years ~~to a term of imprisonment not less~~  
14 ~~than twice the minimum term and fined an amount as authorized~~  
15 ~~by Section 401 of this Act, based upon the amount of controlled~~  
16 ~~or counterfeit substance brought or caused to be brought into~~  
17 ~~this State, and not more than twice the maximum term of~~  
18 ~~imprisonment and fined twice the amount as authorized by~~  
19 ~~Section 401 of this Act, based upon the amount of controlled or~~  
20 ~~counterfeit substance brought or caused to be brought into this~~  
21 ~~State.~~

22 (b-5) A person convicted of controlled substance  
23 trafficking shall be sentenced as authorized by Section 401,  
24 based upon the amount of the controlled or counterfeit  
25 substance brought or caused to be brought into this State, if  
26 the person at sentencing proves by a preponderance of the

1 evidence that he or she:

2 (1) received little or no compensation from the illegal  
3 transport of the substance into this State and had minimal  
4 knowledge of the scope and structure of the enterprise to  
5 manufacture or deliver the illegal substance transported;  
6 or

7 (2) was not involved in the organization or planning of  
8 the enterprise to manufacture or deliver the illegal  
9 substance transported.

10 (c) (Blank) ~~It shall be a Class 2 felony for which a fine~~  
11 ~~not to exceed \$100,000 may be imposed for any person to~~  
12 ~~knowingly use a cellular radio telecommunication device in the~~  
13 ~~furtherance of controlled substance trafficking. This penalty~~  
14 ~~shall be in addition to any other penalties imposed by law.~~

15 (Source: P.A. 94-556, eff. 9-11-05.)

16 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

17 Sec. 402. Except as otherwise authorized by this Act, it is  
18 unlawful for any person knowingly to possess a controlled or  
19 counterfeit substance or controlled substance analog. A  
20 violation of this Act with respect to each of the controlled  
21 substances listed herein constitutes a single and separate  
22 violation of this Act. For purposes of this Section,  
23 "controlled substance analog" or "analog" means a substance,  
24 other than a controlled substance, which is not approved by the  
25 United States Food and Drug Administration or, if approved, is

1 not dispensed or possessed in accordance with State or federal  
2 law, and that has a chemical structure substantially similar to  
3 that of a controlled substance in Schedule I or II, or that was  
4 specifically designed to produce an effect substantially  
5 similar to that of a controlled substance in Schedule I or II.  
6 Examples of chemical classes in which controlled substance  
7 analogs are found include, but are not limited to, the  
8 following: phenethylamines, N-substituted piperidines,  
9 morphinans, ecgonines, quinazolinones, substituted indoles,  
10 and arylcycloalkylamines. For purposes of this Act, a  
11 controlled substance analog shall be treated in the same manner  
12 as the controlled substance to which it is substantially  
13 similar.

14 (a) Any person who violates this Section with respect to  
15 the following controlled or counterfeit substances and  
16 amounts, notwithstanding any of the provisions of subsections  
17 (c) and (d) to the contrary, ~~is guilty of a Class 1 felony and~~  
18 shall, if sentenced to a term of imprisonment, be sentenced for  
19 the class of offense as provided in this subsection (a) and  
20 fined as provided in subsection (b):

21 (1) (A) a Class 3 felony ~~not less than 4 years and not~~  
22 ~~more than 15 years~~ with respect to 15 grams or more but  
23 less than 100 grams of a substance containing heroin;

24 (B) a Class 2 felony ~~not less than 6 years and not~~  
25 ~~more than 30 years~~ with respect to 100 grams or more  
26 but less than 400 grams of a substance containing

1 heroin;

2 (C) a Class 1 felony ~~not less than 8 years and not~~  
3 ~~more than 40 years~~ with respect to 400 grams or more  
4 ~~but less than 900 grams~~ of any substance containing  
5 heroin;

6 (D) (blank) ~~not less than 10 years and not more~~  
7 ~~than 50 years with respect to 900 grams or more of any~~  
8 ~~substance containing heroin;~~

9 (1.5) (A) a Class 3 felony with respect to 15 grams or  
10 more but less than 100 grams of a substance containing  
11 fentanyl;

12 (B) a Class 2 felony with respect to 100 grams or  
13 more but less than 400 grams of a substance containing  
14 fentanyl;

15 (C) a Class 1 felony with respect to 400 grams or  
16 more of a substance containing fentanyl;

17 (2) (A) a Class 3 felony ~~not less than 4 years and not~~  
18 ~~more than 15 years~~ with respect to 15 grams or more but  
19 less than 100 grams of any substance containing  
20 cocaine;

21 (B) a Class 2 felony ~~not less than 6 years and not~~  
22 ~~more than 30 years~~ with respect to 100 grams or more  
23 but less than 400 grams of any substance containing  
24 cocaine;

25 (C) a Class 1 felony ~~not less than 8 years and not~~  
26 ~~more than 40 years~~ with respect to 400 grams or more

1 ~~but less than 900 grams~~ of any substance containing  
2 cocaine;

3 (D) (blank) ~~not less than 10 years and not more~~  
4 ~~than 50 years with respect to 900 grams or more of any~~  
5 ~~substance containing cocaine;~~

6 (3) (A) a Class 3 felony ~~not less than 4 years and not~~  
7 ~~more than 15 years~~ with respect to 15 grams or more but  
8 less than 100 grams of any substance containing  
9 morphine;

10 (B) a Class 2 felony ~~not less than 6 years and not~~  
11 ~~more than 30 years~~ with respect to 100 grams or more  
12 but less than 400 grams of any substance containing  
13 morphine;

14 (C) a Class 1 felony ~~not less than 6 years and not~~  
15 ~~more than 40 years~~ with respect to 400 grams or more  
16 ~~but less than 900 grams~~ of any substance containing  
17 morphine;

18 (D) (blank) ~~not less than 10 years and not more~~  
19 ~~than 50 years with respect to 900 grams or more of any~~  
20 ~~substance containing morphine;~~

21 (4) a Class 2 felony with respect to 200 grams or more  
22 of any substance containing peyote;

23 (4.5) a Class 4 felony with respect to 15 grams or more  
24 but less than 200 grams of a substance containing peyote;

25 (5) a Class 2 felony with respect to 200 grams or more  
26 of any substance containing a derivative of barbituric acid

1 or any of the salts of a derivative of barbituric acid;

2 (5.5) a Class 4 felony with respect to 15 grams or more  
3 but less than 200 grams of a substance containing a  
4 derivative of barbituric acid or any of the salts of a  
5 derivative of barbituric acid;

6 (6) a Class 2 felony with respect to 200 grams or more  
7 of any substance containing amphetamine or any salt of an  
8 optical isomer of amphetamine;

9 (6.1) a Class 4 felony with respect to 15 grams or more  
10 but less than 200 grams of a substance containing  
11 amphetamine or any salt of an optical isomer of  
12 amphetamine;

13 (6.5) (blank);

14 (7) (A) a Class 3 felony ~~not less than 4 years and not~~  
15 ~~more than 15 years~~ with respect to: (i) 15 grams or  
16 more but less than 100 grams of any substance  
17 containing lysergic acid diethylamide (LSD), or an  
18 analog thereof, or (ii) 15 or more objects or 15 or  
19 more segregated parts of an object or objects but less  
20 than 200 objects or 200 segregated parts of an object  
21 or objects containing in them or having upon them any  
22 amount of any substance containing lysergic acid  
23 diethylamide (LSD), or an analog thereof;

24 (B) a Class 2 felony ~~not less than 6 years and not~~  
25 ~~more than 30 years~~ with respect to: (i) 100 grams or  
26 more but less than 400 grams of any substance

1 containing lysergic acid diethylamide (LSD), or an  
2 analog thereof, or (ii) 200 or more objects or 200 or  
3 more segregated parts of an object or objects but less  
4 than 600 objects or less than 600 segregated parts of  
5 an object or objects containing in them or having upon  
6 them any amount of any substance containing lysergic  
7 acid diethylamide (LSD), or an analog thereof;

8 (C) a Class 1 felony ~~not less than 8 years and not~~  
9 ~~more than 40 years~~ with respect to: (i) 400 grams or  
10 more ~~but less than 900 grams~~ of any substance  
11 containing lysergic acid diethylamide (LSD), or an  
12 analog thereof, or (ii) 600 or more objects or 600 or  
13 more segregated parts of an object or objects ~~but less~~  
14 ~~than 1500 objects or 1500 segregated parts of an object~~  
15 ~~or objects~~ containing in them or having upon them any  
16 amount of any substance containing lysergic acid  
17 diethylamide (LSD), or an analog thereof;

18 (D) (blank) ~~not less than 10 years and not more~~  
19 ~~than 50 years~~ with respect to: (i) ~~900 grams or more of~~  
20 ~~any substance containing lysergic acid diethylamide~~  
21 ~~(LSD), or an analog thereof, or (ii) 1500 or more~~  
22 ~~objects or 1500 or more segregated parts of an object~~  
23 ~~or objects containing in them or having upon them any~~  
24 ~~amount of a substance containing lysergic acid~~  
25 ~~diethylamide (LSD), or an analog thereof;~~

26 (7.5) (A) a Class 3 felony ~~not less than 4 years and~~

1 ~~not more than 15 years~~ with respect to: (i) 15 grams or  
2 more but less than 100 grams of any substance listed in  
3 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),  
4 (20), (20.1), (21), (25), or (26) of subsection (d) of  
5 Section 204, or an analog or derivative thereof, or  
6 (ii) 15 or more pills, tablets, caplets, capsules, or  
7 objects but less than 200 pills, tablets, caplets,  
8 capsules, or objects containing in them or having upon  
9 them any amount of any substance listed in paragraph  
10 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
11 (20.1), (21), (25), or (26) of subsection (d) of  
12 Section 204, or an analog or derivative thereof;

13 (B) a Class 2 felony ~~not less than 6 years and not~~  
14 ~~more than 30 years~~ with respect to: (i) 100 grams or  
15 more but less than 400 grams of any substance listed in  
16 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),  
17 (20), (20.1), (21), (25), or (26) of subsection (d) of  
18 Section 204, or an analog or derivative thereof, or  
19 (ii) 200 or more pills, tablets, caplets, capsules, or  
20 objects but less than 600 pills, tablets, caplets,  
21 capsules, or objects containing in them or having upon  
22 them any amount of any substance listed in paragraph  
23 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
24 (20.1), (21), (25), or (26) of subsection (d) of  
25 Section 204, or an analog or derivative thereof;

26 (C) a Class 1 felony ~~not less than 8 years and not~~

1 ~~more than 40 years~~ with respect to: (i) 400 grams or  
2 more ~~but less than 900 grams~~ of any substance listed in  
3 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),  
4 (20), (20.1), (21), (25), or (26) of subsection (d) of  
5 Section 204, or an analog or derivative thereof, or  
6 (ii) 600 or more pills, tablets, caplets, capsules, or  
7 objects ~~but less than 1,500 pills, tablets, caplets,~~  
8 ~~capsules, or objects~~ containing in them or having upon  
9 them any amount of any substance listed in paragraph  
10 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
11 (20.1), (21), (25), or (26) of subsection (d) of  
12 Section 204, or an analog or derivative thereof;

13 (D) (blank) ~~not less than 10 years and not more~~  
14 ~~than 50 years with respect to: (i) 900 grams or more of~~  
15 ~~any substance listed in paragraph (1), (2), (2.1),~~  
16 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~  
17 ~~(26) of subsection (d) of Section 204, or an analog or~~  
18 ~~derivative thereof, or (ii) 1,500 or more pills,~~  
19 ~~tablets, caplets, capsules, or objects containing in~~  
20 ~~them or having upon them any amount of a substance~~  
21 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~  
22 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~  
23 ~~subsection (d) of Section 204, or an analog or~~  
24 ~~derivative thereof;~~

25 (8) a Class 2 felony with respect to 30 grams or more  
26 of any substance containing pentazocine or any of the

1 salts, isomers and salts of isomers of pentazocine, or an  
2 analog thereof;

3 (8.5) a Class 4 felony with respect to 15 grams or more  
4 but less than 30 grams of a substance containing  
5 pentazocine or any of the salts, isomers and salts of  
6 isomers of pentazocine, or an analog thereof;

7 (9) a Class 2 felony with respect to 30 grams or more  
8 of any substance containing methaqualone or any of the  
9 salts, isomers and salts of isomers of methaqualone;

10 (9.5) a Class 4 felony with respect to 15 grams or more  
11 but less than 30 grams of a substance containing  
12 methaqualone or any of the salts, isomers and salts of  
13 isomers of methaqualone;

14 (10) a Class 2 felony with respect to 30 grams or more  
15 of any substance containing phencyclidine or any of the  
16 salts, isomers and salts of isomers of phencyclidine (PCP);

17 (10.1) a Class 4 felony with respect to 15 grams or  
18 more but less than 30 grams of a substance containing  
19 phencyclidine or any of the salts, isomers and salts of  
20 isomers of phencyclidine (PCP);

21 (10.5) a Class 2 felony with respect to 30 grams or  
22 more of any substance containing ketamine or any of the  
23 salts, isomers and salts of isomers of ketamine;

24 (10.6) a Class 4 felony with respect to 15 grams or  
25 more but less than 30 grams of any substance containing  
26 ketamine or any of the salts, isomers and salts of isomers

1 of ketamine;

2 (11) a Class 2 felony with respect to 200 grams or more  
3 of any substance containing any substance classified as a  
4 narcotic drug in Schedules I or II, or an analog thereof,  
5 which is not otherwise included in this subsection; ▸

6 (12) a Class 3 felony with respect to 15 grams or more  
7 but less than 200 grams of any substance containing any  
8 substance classified as a narcotic drug in Schedules I or  
9 II, or an analog thereof, which is not otherwise included  
10 in this subsection.

11 (b) Any person sentenced with respect to violations of  
12 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)  
13 involving 100 grams or more of the controlled substance named  
14 therein, may in addition to the penalties provided therein, be  
15 fined an amount not to exceed \$200,000 or the full street value  
16 of the controlled or counterfeit substances, whichever is  
17 greater. The term "street value" shall have the meaning  
18 ascribed in Section 110-5 of the Code of Criminal Procedure of  
19 1963. Any person sentenced with respect to any other provision  
20 of subsection (a), may in addition to the penalties provided  
21 therein, be fined an amount not to exceed \$200,000.

22 (c) Any person who violates this Section with regard to an  
23 amount of a controlled substance other than methamphetamine or  
24 counterfeit substance not set forth in subsection (a) or (d) is  
25 guilty of a Class A misdemeanor ~~4-felony~~. The fine for a  
26 violation punishable under this subsection (c) shall not be

1 more than \$2,500 ~~\$25,000~~.

2 (d) Any person who violates this Section with regard to any  
3 amount of anabolic steroid is guilty of a Class C misdemeanor  
4 for the first offense and a Class B misdemeanor for a  
5 subsequent offense committed within 2 years of a prior  
6 conviction.

7 (Source: P.A. 99-371, eff. 1-1-16; 100-368, eff. 1-1-18.)

8 (720 ILCS 570/404) (from Ch. 56 1/2, par. 1404)

9 Sec. 404. (a) For the purposes of this Section:

10 (1) "Advertise" means the attempt, by publication,  
11 dissemination, solicitation or circulation, to induce  
12 directly or indirectly any person to acquire, or enter into  
13 an obligation to acquire, any substance within the scope of  
14 this Section.

15 (2) "Distribute" has the meaning ascribed to it in  
16 subsection (s) of Section 102 of this Act but as relates to  
17 look-alike substances.

18 (3) "Manufacture" means the producing, preparing,  
19 compounding, processing, encapsulating, packaging,  
20 repackaging, labeling or relabeling of a look-alike  
21 substance.

22 (b) It is unlawful for any person knowingly to manufacture,  
23 distribute, advertise, or possess with intent to manufacture or  
24 distribute a look-alike substance. Any person who violates this  
25 subsection (b) shall be guilty of a Class 4 ~~3~~ felony, the fine

1 for which shall not exceed \$150,000.

2 (c) (Blank) ~~It is unlawful for any person knowingly to~~  
3 ~~possess a look-alike substance. Any person who violates this~~  
4 ~~subsection (c) is guilty of a petty offense. Any person~~  
5 ~~convicted of a subsequent offense under this subsection (c)~~  
6 ~~shall be guilty of a Class C misdemeanor.~~

7 (d) In any prosecution brought under this Section, it is  
8 not a defense to a violation of this Section that the defendant  
9 believed the look-alike substance actually to be a controlled  
10 substance.

11 (e) Nothing in this Section applies to:

12 (1) The manufacture, processing, packaging,  
13 distribution or sale of noncontrolled substances to  
14 licensed medical practitioners for use as placebos in  
15 professional practice or research.

16 (2) Persons acting in the course and legitimate scope  
17 of their employment as law enforcement officers.

18 (3) The retention of production samples of  
19 noncontrolled substances produced prior to the effective  
20 date of this amendatory Act of 1982, where such samples are  
21 required by federal law.

22 (f) Nothing in this Section or in this Act applies to the  
23 lawful manufacture, processing, packaging, advertising or  
24 distribution of a drug or drugs by any person registered  
25 pursuant to Section 510 of the Federal Food, Drug, and Cosmetic  
26 Act (21 U.S.C. 360).

1 (Source: P.A. 83-1362.)

2 (720 ILCS 570/405.2)

3 Sec. 405.2. Streetgang criminal drug conspiracy.

4 (a) Any person who engages in a streetgang criminal drug  
5 conspiracy, as defined in this Section, is guilty of an offense  
6 that is one class higher than the underlying offense under  
7 subsection (a) or (c) of Section 401 of this Act or under the  
8 Methamphetamine Control and Community Protection Act except  
9 Section 60 of that Act. If the sentence for the underlying  
10 offense is a term of imprisonment of not less than 6 years and  
11 not more than 30 years, the penalty for streetgang criminal  
12 drug conspiracy is a Class 1 felony for which the person may be  
13 sentenced to a term of imprisonment of not less 9 years and not  
14 more than 40 years. a Class X felony for which the offender  
15 shall be sentenced to a term of imprisonment as follows:

16 (1) (blank) not less than 15 years and not more than 60  
17 years for a violation of subsection (a) of Section 401;

18 (2) (blank) not less than 10 years and not more than 30  
19 years for a violation of subsection (c) of Section 401.

20 For the purposes of this Section, a person engages in a  
21 streetgang criminal drug conspiracy when:

22 (i) he or she violates any of the provisions of  
23 subsection (a) or (c) of Section 401 of this Act or any  
24 provision of the Methamphetamine Control and Community  
25 Protection Act except Section 60 of that Act; and

1           (ii) such violation is part of a conspiracy undertaken  
2           or carried out with 2 or more other persons; and

3           (iii) such conspiracy is in furtherance of the  
4           activities of an organized gang as defined in the Illinois  
5           Streetgang Terrorism Omnibus Prevention Act; and

6           (iv) he or she occupies a position of organizer, a  
7           supervising person, or any other position of management  
8           with those persons identified in clause (ii) of this  
9           subsection (a).

10          The fine for a violation of this Section shall not be more  
11          than \$500,000, and the offender shall be subject to the  
12          forfeitures prescribed in subsection (b).

13          (b) Subject to the provisions of Section 8 of the Drug  
14          Asset Forfeiture Procedure Act, any person who is convicted  
15          under this Section of engaging in a streetgang criminal drug  
16          conspiracy shall forfeit to the State of Illinois:

17               (1) the receipts obtained by him or her in such  
18               conspiracy; and

19               (2) any of his or her interests in, claims against,  
20               receipts from, or property or rights of any kind affording  
21               a source of influence over, such conspiracy.

22          (c) The circuit court may enter such injunctions,  
23          restraining orders, directions or prohibitions, or may take  
24          such other actions, including the acceptance of satisfactory  
25          performance bonds, in connection with any property, claim,  
26          receipt, right or other interest subject to forfeiture under

1 this Section, as it deems proper.

2 (Source: P.A. 94-556, eff. 9-11-05.)

3 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

4 Sec. 407. (a) (1) (A) Any person 18 years of age or over who  
5 violates any subsection of Section 401 or subsection (b) of  
6 Section 404 by delivering a controlled, counterfeit or  
7 look-alike substance to a person under 18 years of age may, at  
8 the discretion of the court, be sentenced to a maximum term of  
9 imprisonment that is equal to the maximum term of imprisonment  
10 for the underlying offense plus the minimum term of  
11 imprisonment for the underlying offense ~~may be sentenced to~~  
12 ~~imprisonment for a term up to twice the maximum term and fined~~  
13 ~~an amount up to twice that amount otherwise authorized by the~~  
14 ~~pertinent subsection of Section 401 and Subsection (b) of~~  
15 ~~Section 404.~~

16 (B) (Blank).

17 (2) (Blank). ~~Except as provided in paragraph (3) of this~~  
18 ~~subsection, any person who violates:~~

19 ~~(A) subsection (c) of Section 401 by delivering or~~  
20 ~~possessing with intent to deliver a controlled,~~  
21 ~~counterfeit, or look-alike substance in or on, or within~~  
22 ~~500 feet of, a truck stop or safety rest area, is guilty of~~  
23 ~~a Class 1 felony, the fine for which shall not exceed~~  
24 ~~\$250,000;~~

25 ~~(B) subsection (d) of Section 401 by delivering or~~

1 ~~possessing with intent to deliver a controlled,~~  
2 ~~counterfeit, or look-alike substance in or on, or within~~  
3 ~~500 feet of, a truck stop or safety rest area, is guilty of~~  
4 ~~a Class 2 felony, the fine for which shall not exceed~~  
5 ~~\$200,000;~~

6 ~~(C) subsection (c) of Section 401 or subsection (b) of~~  
7 ~~Section 404 by delivering or possessing with intent to~~  
8 ~~deliver a controlled, counterfeit, or look-alike substance~~  
9 ~~in or on, or within 500 feet of, a truck stop or safety~~  
10 ~~rest area, is guilty of a Class 3 felony, the fine for~~  
11 ~~which shall not exceed \$150,000;~~

12 ~~(D) subsection (f) of Section 401 by delivering or~~  
13 ~~possessing with intent to deliver a controlled,~~  
14 ~~counterfeit, or look-alike substance in or on, or within~~  
15 ~~500 feet of, a truck stop or safety rest area, is guilty of~~  
16 ~~a Class 3 felony, the fine for which shall not exceed~~  
17 ~~\$125,000;~~

18 ~~(E) subsection (g) of Section 401 by delivering or~~  
19 ~~possessing with intent to deliver a controlled,~~  
20 ~~counterfeit, or look-alike substance in or on, or within~~  
21 ~~500 feet of, a truck stop or safety rest area, is guilty of~~  
22 ~~a Class 3 felony, the fine for which shall not exceed~~  
23 ~~\$100,000;~~

24 ~~(F) subsection (h) of Section 401 by delivering or~~  
25 ~~possessing with intent to deliver a controlled,~~  
26 ~~counterfeit, or look-alike substance in or on, or within~~

1       ~~500 feet of, a truck stop or safety rest area, is guilty of~~  
2       ~~a Class 3 felony, the fine for which shall not exceed~~  
3       ~~\$75,000;~~

4       (3) (Blank). ~~Any person who violates paragraph (2) of this~~  
5       ~~subsection (a) by delivering or possessing with intent to~~  
6       ~~deliver a controlled, counterfeit, or look alike substance in~~  
7       ~~or on, or within 500 feet of a truck stop or a safety rest area,~~  
8       ~~following a prior conviction or convictions of paragraph (2) of~~  
9       ~~this subsection (a) may be sentenced to a term of imprisonment~~  
10       ~~up to 2 times the maximum term and fined an amount up to 2 times~~  
11       ~~the amount otherwise authorized by Section 401.~~

12       (4) (Blank). ~~For the purposes of this subsection (a):~~

13       ~~(A) "Safety rest area" means a roadside facility~~  
14       ~~removed from the roadway with parking and facilities~~  
15       ~~designed for motorists' rest, comfort, and information~~  
16       ~~needs; and~~

17       ~~(B) "Truck stop" means any facility (and its parking~~  
18       ~~areas) used to provide fuel or service, or both, to any~~  
19       ~~commercial motor vehicle as defined in Section 18b 101 of~~  
20       ~~the Illinois Vehicle Code.~~

21       (b) Any person who violates any subsection of Section 401  
22       or subsection (b) of Section 404 in any school, or any  
23       conveyance owned, leased or contracted by a school to transport  
24       students to or from school or a school-related activity, or  
25       public park, on the real property comprising any school, or  
26       within 500 feet of the real property comprising any school,

1 while persons under 18 years of age are present, during school  
2 hours, or at times when persons under 18 years of age are  
3 reasonably expected to be present, shall be sentenced to a  
4 class of offense that is one class higher than the sentence  
5 otherwise authorized by the pertinent subsection of Section 401  
6 or subsection (b) of Section 404. If the sentence otherwise  
7 authorized by the pertinent subsection of Section 401 or  
8 subsection (b) of Section 404 is a Class 1 felony for which the  
9 person may be sentenced to a term of imprisonment of not less  
10 than 4 years and not more than 15 years, the penalty for an  
11 offense under this Section is a Class 1 felony for which the  
12 person may be sentenced to a term of imprisonment of not less  
13 than 6 years and not more than 30 years. If the sentence  
14 otherwise authorized by the pertinent subsection of Section 401  
15 or subsection (b) of Section 404 is a Class 1 felony for which  
16 the person may be sentenced to a term of imprisonment of not  
17 less than 6 years and not more than 30 years, the penalty for  
18 an offense under this Section is a Class 1 felony for which the  
19 person may be sentenced to a term of imprisonment of not less  
20 than 9 years and not more than 40 years.+

21 ~~(1) subsection (c) of Section 401 in any school, on or~~  
22 ~~within 500 feet of the real property comprising any school,~~  
23 ~~or in any conveyance owned, leased or contracted by a~~  
24 ~~school to transport students to or from school or a school~~  
25 ~~related activity, and at the time of the violation persons~~  
26 ~~under the age of 18 are present, the offense is committed~~

1 ~~during school hours, or the offense is committed at times~~  
2 ~~when persons under the age of 18 are reasonably expected to~~  
3 ~~be present in the school, in the conveyance, or on the real~~  
4 ~~property, such as when after-school activities are~~  
5 ~~occurring, or in any public park or on or within 500 feet~~  
6 ~~of the real property comprising any public park, on the~~  
7 ~~real property comprising any church, synagogue, or other~~  
8 ~~building, structure, or place used primarily for religious~~  
9 ~~worship, or within 500 feet of the real property comprising~~  
10 ~~any church, synagogue, or other building, structure, or~~  
11 ~~place used primarily for religious worship, on the real~~  
12 ~~property comprising any of the following places,~~  
13 ~~buildings, or structures used primarily for housing or~~  
14 ~~providing space for activities for senior citizens:~~  
15 ~~nursing homes, assisted living centers, senior citizen~~  
16 ~~housing complexes, or senior centers oriented toward~~  
17 ~~daytime activities, or within 500 feet of the real property~~  
18 ~~comprising any of the following places, buildings, or~~  
19 ~~structures used primarily for housing or providing space~~  
20 ~~for activities for senior citizens: nursing homes,~~  
21 ~~assisted living centers, senior citizen housing complexes,~~  
22 ~~or senior centers oriented toward daytime activities and at~~  
23 ~~the time of the violation persons are present or reasonably~~  
24 ~~expected to be present in the church, synagogue, or other~~  
25 ~~building, structure, or place used primarily for religious~~  
26 ~~worship during worship services, or in buildings or~~

1 ~~structures used primarily for housing or providing space~~  
2 ~~for activities for senior citizens: nursing homes,~~  
3 ~~assisted living centers, senior citizen housing complexes,~~  
4 ~~or senior centers oriented toward daytime activities~~  
5 ~~during the hours those places, buildings, or structures are~~  
6 ~~open for those activities, or on the real property is~~  
7 ~~guilty of a Class X felony, the fine for which shall not~~  
8 ~~exceed \$500,000;~~

9 ~~(2) subsection (d) of Section 401 in any school, on or~~  
10 ~~within 500 feet of the real property comprising any school,~~  
11 ~~or in any conveyance owned, leased or contracted by a~~  
12 ~~school to transport students to or from school or a school~~  
13 ~~related activity, and at the time of the violation persons~~  
14 ~~under the age of 18 are present, the offense is committed~~  
15 ~~during school hours, or the offense is committed at times~~  
16 ~~when persons under the age of 18 are reasonably expected to~~  
17 ~~be present in the school, in the conveyance, or on the real~~  
18 ~~property, such as when after school activities are~~  
19 ~~occurring, or in any public park or on or within 500 feet~~  
20 ~~of the real property comprising any public park, on the~~  
21 ~~real property comprising any church, synagogue, or other~~  
22 ~~building, structure, or place used primarily for religious~~  
23 ~~worship, or within 500 feet of the real property comprising~~  
24 ~~any church, synagogue, or other building, structure, or~~  
25 ~~place used primarily for religious worship, on the real~~  
26 ~~property comprising any of the following places,~~

1 ~~buildings, or structures used primarily for housing or~~  
2 ~~providing space for activities for senior citizens:~~  
3 ~~nursing homes, assisted living centers, senior citizen~~  
4 ~~housing complexes, or senior centers oriented toward~~  
5 ~~daytime activities, or within 500 feet of the real property~~  
6 ~~comprising any of the following places, buildings, or~~  
7 ~~structures used primarily for housing or providing space~~  
8 ~~for activities for senior citizens: nursing homes,~~  
9 ~~assisted living centers, senior citizen housing complexes,~~  
10 ~~or senior centers oriented toward daytime activities and at~~  
11 ~~the time of the violation persons are present or reasonably~~  
12 ~~expected to be present in the church, synagogue, or other~~  
13 ~~building, structure, or place used primarily for religious~~  
14 ~~worship during worship services, or in buildings or~~  
15 ~~structures used primarily for housing or providing space~~  
16 ~~for activities for senior citizens: nursing homes,~~  
17 ~~assisted living centers, senior citizen housing complexes,~~  
18 ~~or senior centers oriented toward daytime activities~~  
19 ~~during the hours those places, buildings, or structures are~~  
20 ~~open for those activities, or on the real property is~~  
21 ~~guilty of a Class 1 felony, the fine for which shall not~~  
22 ~~exceed \$250,000;~~

23 ~~(3) subsection (c) of Section 401 or Subsection (b) of~~  
24 ~~Section 404 in any school, on or within 500 feet of the~~  
25 ~~real property comprising any school, or in any conveyance~~  
26 ~~owned, leased or contracted by a school to transport~~

1 ~~students to or from school or a school related activity,~~  
2 ~~and at the time of the violation persons under the age of~~  
3 ~~18 are present, the offense is committed during school~~  
4 ~~hours, or the offense is committed at times when persons~~  
5 ~~under the age of 18 are reasonably expected to be present~~  
6 ~~in the school, in the conveyance, or on the real property,~~  
7 ~~such as when after school activities are occurring, or in~~  
8 ~~any public park or on or within 500 feet of the real~~  
9 ~~property comprising any public park, on the real property~~  
10 ~~comprising any church, synagogue, or other building,~~  
11 ~~structure, or place used primarily for religious worship,~~  
12 ~~or within 500 feet of the real property comprising any~~  
13 ~~church, synagogue, or other building, structure, or place~~  
14 ~~used primarily for religious worship, on the real property~~  
15 ~~comprising any of the following places, buildings, or~~  
16 ~~structures used primarily for housing or providing space~~  
17 ~~for activities for senior citizens: nursing homes,~~  
18 ~~assisted living centers, senior citizen housing complexes,~~  
19 ~~or senior centers oriented toward daytime activities, or~~  
20 ~~within 500 feet of the real property comprising any of the~~  
21 ~~following places, buildings, or structures used primarily~~  
22 ~~for housing or providing space for activities for senior~~  
23 ~~citizens: nursing homes, assisted living centers, senior~~  
24 ~~citizen housing complexes, or senior centers oriented~~  
25 ~~toward daytime activities and at the time of the violation~~  
26 ~~persons are present or reasonably expected to be present in~~

1 ~~the church, synagogue, or other building, structure, or~~  
2 ~~place used primarily for religious worship during worship~~  
3 ~~services, or in buildings or structures used primarily for~~  
4 ~~housing or providing space for activities for senior~~  
5 ~~citizens: nursing homes, assisted living centers, senior~~  
6 ~~citizen housing complexes, or senior centers oriented~~  
7 ~~toward daytime activities during the hours those places,~~  
8 ~~buildings, or structures are open for those activities, or~~  
9 ~~on the real property is guilty of a Class 2 felony, the~~  
10 ~~fine for which shall not exceed \$200,000;~~

11 ~~(4) subsection (f) of Section 401 in any school, on or~~  
12 ~~within 500 feet of the real property comprising any school,~~  
13 ~~or in any conveyance owned, leased or contracted by a~~  
14 ~~school to transport students to or from school or a school~~  
15 ~~related activity, and at the time of the violation persons~~  
16 ~~under the age of 18 are present, the offense is committed~~  
17 ~~during school hours, or the offense is committed at times~~  
18 ~~when persons under the age of 18 are reasonably expected to~~  
19 ~~be present in the school, in the conveyance, or on the real~~  
20 ~~property, such as when after-school activities are~~  
21 ~~occurring, or in any public park or on or within 500 feet~~  
22 ~~of the real property comprising any public park, on the~~  
23 ~~real property comprising any church, synagogue, or other~~  
24 ~~building, structure, or place used primarily for religious~~  
25 ~~worship, or within 500 feet of the real property comprising~~  
26 ~~any church, synagogue, or other building, structure, or~~

~~place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 500 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities and at the time of the violation persons are present or reasonably expected to be present in the church, synagogue, or other building, structure, or place used primarily for religious worship during worship services, or in buildings or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities during the hours those places, buildings, or structures are open for those activities, or on the real property is guilty of a Class 2 felony, the fine for which shall not exceed \$150,000;~~

~~(5) subsection (g) of Section 401 in any school, on or within 500 feet of the real property comprising any school,~~

1 ~~or in any conveyance owned, leased or contracted by a~~  
2 ~~school to transport students to or from school or a school~~  
3 ~~related activity, and at the time of the violation persons~~  
4 ~~under the age of 18 are present, the offense is committed~~  
5 ~~during school hours, or the offense is committed at times~~  
6 ~~when persons under the age of 18 are reasonably expected to~~  
7 ~~be present in the school, in the conveyance, or on the real~~  
8 ~~property, such as when after school activities are~~  
9 ~~occurring, or in any public park or on or within 500 feet~~  
10 ~~of the real property comprising any public park, on the~~  
11 ~~real property comprising any church, synagogue, or other~~  
12 ~~building, structure, or place used primarily for religious~~  
13 ~~worship, or within 500 feet of the real property comprising~~  
14 ~~any church, synagogue, or other building, structure, or~~  
15 ~~place used primarily for religious worship, on the real~~  
16 ~~property comprising any of the following places,~~  
17 ~~buildings, or structures used primarily for housing or~~  
18 ~~providing space for activities for senior citizens:~~  
19 ~~nursing homes, assisted living centers, senior citizen~~  
20 ~~housing complexes, or senior centers oriented toward~~  
21 ~~daytime activities, or within 500 feet of the real property~~  
22 ~~comprising any of the following places, buildings, or~~  
23 ~~structures used primarily for housing or providing space~~  
24 ~~for activities for senior citizens: nursing homes,~~  
25 ~~assisted living centers, senior citizen housing complexes,~~  
26 ~~or senior centers oriented toward daytime activities and at~~

1 ~~the time of the violation persons are present or reasonably~~  
2 ~~expected to be present in the church, synagogue, or other~~  
3 ~~building, structure, or place used primarily for religious~~  
4 ~~worship during worship services, or in buildings or~~  
5 ~~structures used primarily for housing or providing space~~  
6 ~~for activities for senior citizens: nursing homes,~~  
7 ~~assisted living centers, senior citizen housing complexes,~~  
8 ~~or senior centers oriented toward daytime activities~~  
9 ~~during the hours those places, buildings, or structures are~~  
10 ~~open for those activities, or on the real property is~~  
11 ~~guilty of a Class 2 felony, the fine for which shall not~~  
12 ~~exceed \$125,000;~~

13 ~~(6) subsection (h) of Section 401 in any school, on or~~  
14 ~~within 500 feet of the real property comprising any school,~~  
15 ~~or in any conveyance owned, leased or contracted by a~~  
16 ~~school to transport students to or from school or a school~~  
17 ~~related activity, and at the time of the violation persons~~  
18 ~~under the age of 18 are present, the offense is committed~~  
19 ~~during school hours, or the offense is committed at times~~  
20 ~~when persons under the age of 18 are reasonably expected to~~  
21 ~~be present in the school, in the conveyance, or on the real~~  
22 ~~property, such as when after school activities are~~  
23 ~~occurring, or in any public park or on or within 500 feet~~  
24 ~~of the real property comprising any public park, on the~~  
25 ~~real property comprising any church, synagogue, or other~~  
26 ~~building, structure, or place used primarily for religious~~

1 ~~worship, or within 500 feet of the real property comprising~~  
2 ~~any church, synagogue, or other building, structure, or~~  
3 ~~place used primarily for religious worship, on the real~~  
4 ~~property comprising any of the following places,~~  
5 ~~buildings, or structures used primarily for housing or~~  
6 ~~providing space for activities for senior citizens:~~  
7 ~~nursing homes, assisted living centers, senior citizen~~  
8 ~~housing complexes, or senior centers oriented toward~~  
9 ~~daytime activities, or within 500 feet of the real property~~  
10 ~~comprising any of the following places, buildings, or~~  
11 ~~structures used primarily for housing or providing space~~  
12 ~~for activities for senior citizens: nursing homes,~~  
13 ~~assisted living centers, senior citizen housing complexes,~~  
14 ~~or senior centers oriented toward daytime activities and at~~  
15 ~~the time of the violation persons are present or reasonably~~  
16 ~~expected to be present in the church, synagogue, or other~~  
17 ~~building, structure, or place used primarily for religious~~  
18 ~~worship during worship services, or in buildings or~~  
19 ~~structures used primarily for housing or providing space~~  
20 ~~for activities for senior citizens: nursing homes,~~  
21 ~~assisted living centers, senior citizen housing complexes,~~  
22 ~~or senior centers oriented toward daytime activities~~  
23 ~~during the hours those places, buildings, or structures are~~  
24 ~~open for those activities, or on the real property is~~  
25 ~~guilty of a Class 2 felony, the fine for which shall not~~  
26 ~~exceed \$100,000.~~

1 (c) (Blank). ~~Regarding penalties prescribed in subsection~~  
2 ~~(b) for violations committed in a school or on or within 500~~  
3 ~~feet of school property, the time of day and time of year at~~  
4 ~~the time of the offense is irrelevant.~~

5 (Source: P.A. 100-3, eff. 1-1-18.)

6 (720 ILCS 570/407.1) (from Ch. 56 1/2, par. 1407.1)

7 Sec. 407.1. Any person 18 years of age or over who violates  
8 any subsection of Section 401 or ~~, Section 404 or Section 405~~  
9 by using, engaging or employing a person under 18 years of age  
10 to deliver a controlled, counterfeit or look-alike substance  
11 may, at the discretion of the court, be sentenced to a maximum  
12 term of imprisonment that is equal to the maximum term of  
13 imprisonment for the underlying offense plus the minimum term  
14 of imprisonment for the underlying offense ~~for a term up to~~  
15 ~~three times the maximum amount authorized by the pertinent~~  
16 ~~subsection of Section 401, Section 404 or Section 405.~~

17 (Source: P.A. 91-297, eff. 1-1-00.)

18 (720 ILCS 570/407.2) (from Ch. 56 1/2, par. 1407.2)

19 Sec. 407.2. Delivery of a controlled substance to a  
20 pregnant woman.

21 (a) Any person who violates any subsection ~~(a)~~ of Section  
22 401 of this Act by delivering a controlled substance to a woman  
23 he knows to be pregnant may, at the discretion of the court, be  
24 sentenced to a maximum term of imprisonment that is equal to

1 the maximum term of imprisonment for the underlying offense  
2 plus the minimum term of imprisonment for the underlying  
3 offense ~~a term twice the maximum amount authorized by Section~~  
4 ~~401 of this Act.~~

5 (b) (Blank). ~~Any person who delivers an amount of a~~  
6 ~~controlled substance set forth in subsections (c) and (d) of~~  
7 ~~Section 401 of this Act to a woman he knows to be pregnant~~  
8 ~~commits a Class 1 felony. The fine for a violation of this~~  
9 ~~subsection (b) shall not be more than \$250,000.~~

10 (Source: P.A. 86-1459; 87-754.)

11 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

12 Sec. 410. (a) Whenever any person who has not previously  
13 been convicted of any felony offense under this Act or any law  
14 of the United States or of any State relating to cannabis or  
15 controlled substances, pleads guilty to or is found guilty of  
16 possession of a controlled or counterfeit substance under  
17 subsection (c) of Section 402 or of unauthorized possession of  
18 prescription form under Section 406.2, the court, without  
19 entering a judgment and with the consent of such person, may  
20 sentence him or her to probation.

21 (b) When a person is placed on probation, the court shall  
22 enter an order specifying a period of probation of 24 months  
23 and shall defer further proceedings in the case until the  
24 conclusion of the period or until the filing of a petition  
25 alleging violation of a term or condition of probation.

1 (c) The conditions of probation shall be that the person:  
2 (1) not violate any criminal statute of any jurisdiction; (2)  
3 refrain from possessing a firearm or other dangerous weapon;  
4 (3) submit to periodic drug testing at a time and in a manner  
5 as ordered by the court, but no less than 3 times during the  
6 period of the probation, with the cost of the testing to be  
7 paid by the probationer; and (4) perform no less than 30 hours  
8 of community service, provided community service is available  
9 in the jurisdiction and is funded and approved by the county  
10 board. The court may give credit toward the fulfillment of  
11 community service hours for participation in activities and  
12 treatment as determined by court services.

13 (d) The court may, in addition to other conditions, require  
14 that the person:

15 (1) make a report to and appear in person before or  
16 participate with the court or such courts, person, or  
17 social service agency as directed by the court in the order  
18 of probation;

19 (2) pay a fine and costs;

20 (3) work or pursue a course of study or vocational  
21 training;

22 (4) undergo medical or psychiatric treatment; or  
23 treatment or rehabilitation approved by the Illinois  
24 Department of Human Services;

25 (5) attend or reside in a facility established for the  
26 instruction or residence of defendants on probation;

1 (6) support his or her dependents;

2 (6-5) refrain from having in his or her body the  
3 presence of any illicit drug prohibited by the Cannabis  
4 Control Act, the Illinois Controlled Substances Act, or the  
5 Methamphetamine Control and Community Protection Act,  
6 unless prescribed by a physician, and submit samples of his  
7 or her blood or urine or both for tests to determine the  
8 presence of any illicit drug;

9 (7) and in addition, if a minor:

10 (i) reside with his or her parents or in a foster  
11 home;

12 (ii) attend school;

13 (iii) attend a non-residential program for youth;

14 (iv) contribute to his or her own support at home  
15 or in a foster home.

16 (e) Upon violation of a term or condition of probation, the  
17 court may enter a judgment on its original finding of guilt and  
18 proceed as otherwise provided.

19 (f) Upon fulfillment of the terms and conditions of  
20 probation, the court shall discharge the person and dismiss the  
21 proceedings against him or her.

22 (g) A disposition of probation is considered to be a  
23 conviction for the purposes of imposing the conditions of  
24 probation and for appeal, however, discharge and dismissal  
25 under this Section is not a conviction for purposes of this Act  
26 or for purposes of disqualifications or disabilities imposed by

1 law upon conviction of a crime.

2 (h) (Blank). ~~A person may not have more than one discharge~~  
3 ~~and dismissal under this Section within a 4 year period.~~

4 (i) If a person is convicted of an offense under this Act,  
5 the Cannabis Control Act, or the Methamphetamine Control and  
6 Community Protection Act within 5 years subsequent to a  
7 discharge and dismissal under this Section, the discharge and  
8 dismissal under this Section shall be admissible in the  
9 sentencing proceeding for that conviction as evidence in  
10 aggravation.

11 (j) Notwithstanding subsection (a), before a person is  
12 sentenced to probation under this Section, the court may refer  
13 the person to the drug court established in that judicial  
14 circuit pursuant to Section 15 of the Drug Court Treatment Act.  
15 The drug court team shall evaluate the person's likelihood of  
16 successfully completing a sentence of probation under this  
17 Section and shall report the results of its evaluation to the  
18 court. If the drug court team finds that the person suffers  
19 from a substance abuse problem that makes him or her  
20 substantially unlikely to successfully complete a sentence of  
21 probation under this Section, then the drug court shall set  
22 forth its findings in the form of a written order, and the  
23 person shall not be sentenced to probation under this Section,  
24 but shall be considered for the drug court program.

25 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18; 100-575,  
26 eff. 1-8-18.)

1 (720 ILCS 570/405 rep.)

2 (720 ILCS 570/405.1 rep.)

3 (720 ILCS 570/408 rep.)

4 Section 25. The Illinois Controlled Substances Act is  
5 amended by repealing Sections 405, 405.1, and 408.

6 Section 30. The Drug Paraphernalia Control Act is amended  
7 by changing Section 3.5 as follows:

8 (720 ILCS 600/3.5)

9 Sec. 3.5. Possession of drug paraphernalia.

10 (a) A person who knowingly possesses an item of drug  
11 paraphernalia with the intent to use it in ingesting, inhaling,  
12 or otherwise introducing cannabis or a controlled substance  
13 into the human body, or in preparing cannabis or a controlled  
14 substance for that use, is guilty of a Class A misdemeanor for  
15 which the court shall impose a minimum fine of \$750 in addition  
16 to any other penalty prescribed for a Class A misdemeanor. This  
17 subsection (a) does not apply to a person who is legally  
18 authorized to possess hypodermic syringes or needles under the  
19 Hypodermic Syringes and Needles Act.

20 (b) In determining intent under subsection (a), the trier  
21 of fact may take into consideration the proximity of the  
22 cannabis or controlled substances to drug paraphernalia or the  
23 presence of cannabis or a controlled substance on the drug

1 paraphernalia.

2 (c) If a person violates subsection (a) of Section 4 of the  
3 Cannabis Control Act, the penalty for possession of any drug  
4 paraphernalia seized during the violation for that offense  
5 shall be a civil law violation punishable by a ~~minimum~~ fine not  
6 to exceed \$125 ~~of \$100 and a maximum fine of \$200~~. The proceeds  
7 of the fine shall be payable to the clerk of the circuit court.  
8 Within 30 days after the deposit of the fine, the clerk shall  
9 distribute the proceeds of the fine as follows:

10 (1) \$10 of the fine to the circuit clerk and \$10 of the  
11 fine to the law enforcement agency that issued the  
12 citation; the proceeds of each \$10 fine distributed to the  
13 circuit clerk and each \$10 fine distributed to the law  
14 enforcement agency that issued the citation for the  
15 violation shall be used to defer the cost of automatic  
16 expungements under paragraph (2.5) of subsection (a) of  
17 Section 5.2 of the Criminal Identification Act;

18 (2) \$15 to the county to fund drug addiction services;

19 (3) \$10 to the Office of the State's Attorneys  
20 Appellate Prosecutor for use in training programs;

21 (4) \$10 to the State's Attorney; and

22 (5) any remainder of the fine to the law enforcement  
23 agency that issued the citation for the violation.

24 With respect to funds designated for the Department of  
25 State Police, the moneys shall be remitted by the circuit court  
26 clerk to the Department of State Police within one month after

1 receipt for deposit into the State Police Operations Assistance  
2 Fund. With respect to funds designated for the Department of  
3 Natural Resources, the Department of Natural Resources shall  
4 deposit the moneys into the Conservation Police Operations  
5 Assistance Fund.

6 (Source: P.A. 99-697, eff. 7-29-16.)

7 Section 35. The Methamphetamine Control and Community  
8 Protection Act is amended by changing Sections 15, 20, 25, 30,  
9 35, 40, 45, 50, 55, 56, 60, and 70 and by adding Sections 55.1,  
10 55.2, 55.3, 55.4, and 55.5 as follows:

11 (720 ILCS 646/15)

12 Sec. 15. Participation in methamphetamine manufacturing.

13 (a) Participation in methamphetamine manufacturing.

14 (1) It is unlawful to knowingly participate in the  
15 manufacture of methamphetamine with the intent that  
16 methamphetamine or a substance containing methamphetamine  
17 be produced.

18 (2) A person who violates paragraph (1) of this  
19 subsection (a) is subject to the following penalties:

20 (A) A person who participates in the manufacture of  
21 less than 15 grams of methamphetamine or a substance  
22 containing methamphetamine is guilty of a Class 2 ~~4~~  
23 felony.

24 (B) A person who participates in the manufacture of

1 15 or more grams but less than 100 grams of  
2 methamphetamine or a substance containing  
3 methamphetamine is guilty of a Class 1 ~~1~~ felony,  
4 ~~subject to a term of imprisonment of not less than 6~~  
5 ~~years and not more than 30 years,~~ and subject to a fine  
6 not to exceed \$100,000 or the street value of the  
7 methamphetamine manufactured, whichever is greater.

8 (C) A person who participates in the manufacture of  
9 100 or more grams but less than 400 grams of  
10 methamphetamine or a substance containing  
11 methamphetamine is guilty of a Class 1 ~~1~~ felony, for  
12 which the person may be sentenced ~~subject~~ to a term of  
13 imprisonment of not less than 6 ~~9~~ years and not more  
14 than 30 ~~40~~ years, and subject to a fine not to exceed  
15 \$200,000 or the street value of the methamphetamine  
16 manufactured, whichever is greater.

17 (D) A person who participates in the manufacture of  
18 400 or more grams but less than 900 grams of  
19 methamphetamine or a substance containing  
20 methamphetamine is guilty of a Class 1 ~~1~~ felony, for  
21 which the person may be sentenced ~~subject~~ to a term of  
22 imprisonment of not less than 6 ~~12~~ years and not more  
23 than 30 ~~50~~ years, and subject to a fine not to exceed  
24 \$300,000 or the street value of the methamphetamine  
25 manufactured, whichever is greater.

26 (E) A person who participates in the manufacture of

1           900 grams or more of methamphetamine or a substance  
2           containing methamphetamine is guilty of a Class 1 ~~2~~  
3           felony, for which the person may be sentenced ~~subject~~  
4           to a term of imprisonment of not less than 6 ~~15~~ years  
5           and not more than 30 ~~60~~ years, and subject to a fine  
6           not to exceed \$400,000 or the street value of the  
7           methamphetamine, whichever is greater.

8           (b) Aggravated participation in methamphetamine  
9           manufacturing.

10           (1) It is unlawful to engage in aggravated  
11           participation in the manufacture of methamphetamine. A  
12           person engages in aggravated participation in the  
13           manufacture of methamphetamine when the person violates  
14           paragraph (1) of subsection (a) and:

15                   (A) the person knowingly does so in a multi-unit  
16                   dwelling;

17                   (B) the person knowingly does so in a structure or  
18                   vehicle where a child under the age of 18, a person  
19                   with a disability, or a person 60 years of age or older  
20                   who is incapable of adequately providing for his or her  
21                   own health and personal care resides, is present, or is  
22                   endangered by the manufacture of methamphetamine;

23                   (C) the person does so in a structure or vehicle  
24                   where a woman the person knows to be pregnant  
25                   (including but not limited to the person herself)  
26                   resides, is present, or is endangered by the

1 methamphetamine manufacture;

2 (D) the person knowingly does so in a structure or  
3 vehicle protected by one or more ~~firearms,~~ explosive  
4 devices, booby traps, ~~alarm systems, surveillance~~  
5 ~~systems, guard dogs,~~ or dangerous animals;

6 (E) the methamphetamine manufacturing in which the  
7 person participates is a contributing cause of the  
8 death, serious bodily injury, disability, or  
9 disfigurement of another person, including but not  
10 limited to an emergency service provider;

11 (F) the methamphetamine manufacturing in which the  
12 person participates is a contributing cause of a fire  
13 or explosion that damages property belonging to  
14 another person;

15 (G) the person knowingly organizes, directs, or  
16 finances the methamphetamine manufacturing or  
17 activities carried out in support of the  
18 methamphetamine manufacturing; or

19 (H) the methamphetamine manufacturing occurs  
20 within 500 feet of a place of worship or parsonage, or  
21 within 500 feet of the real property comprising any  
22 school at a time when children, clergy, patrons, staff,  
23 or other persons are present or any activity sanctioned  
24 by the place of worship or parsonage or school is  
25 taking place.

26 (2) A person who violates paragraph (1) of this

1 subsection (b) is subject to the following penalties:

2 (A) A person who participates in the manufacture of  
3 less than 15 grams of methamphetamine or a substance  
4 containing methamphetamine is guilty of a Class 1 ~~\*~~  
5 felony, ~~subject to a term of imprisonment of not less~~  
6 ~~than 6 years and not more than 30 years~~, and subject to  
7 a fine not to exceed \$100,000 or the street value of  
8 the methamphetamine, whichever is greater.

9 (B) A person who participates in the manufacture of  
10 15 or more grams but less than 100 grams of  
11 methamphetamine or a substance containing  
12 methamphetamine is guilty of a Class 1 ~~\*~~ felony, for  
13 which the person may be sentenced ~~subject~~ to a term of  
14 imprisonment of not less than 6 ~~9~~ years and not more  
15 than 30 ~~40~~ years, and subject to a fine not to exceed  
16 \$200,000 or the street value of the methamphetamine,  
17 whichever is greater.

18 (C) A person who participates in the manufacture of  
19 100 or more grams but less than 400 grams of  
20 methamphetamine or a substance containing  
21 methamphetamine is guilty of a Class 1 ~~\*~~ felony, for  
22 which the person may be sentenced ~~subject~~ to a term of  
23 imprisonment of not less than 6 ~~12~~ years and not more  
24 than 30 ~~50~~ years, and subject to a fine not to exceed  
25 \$300,000 or the street value of the methamphetamine,  
26 whichever is greater.

1 (D) A person who participates in the manufacture of  
2 400 grams or more of methamphetamine or a substance  
3 containing methamphetamine is guilty of a Class 1 ~~\*~~  
4 felony, for which the person may be sentenced ~~subject~~  
5 to a term of imprisonment of not less than 6 ~~15~~ years  
6 and not more than 30 ~~60~~ years, and subject to a fine  
7 not to exceed \$400,000 or the street value of the  
8 methamphetamine, whichever is greater.

9 (Source: P.A. 100-3, eff. 1-1-18.)

10 (720 ILCS 646/20)

11 Sec. 20. Methamphetamine precursor.

12 (a) Methamphetamine precursor or substance containing any  
13 methamphetamine precursor ~~in standard dosage form~~.

14 (1) It is unlawful to knowingly possess, procure,  
15 transport, store, or deliver any methamphetamine precursor  
16 or substance containing any methamphetamine precursor ~~in~~  
17 ~~standard dosage form~~ with the intent that it be used to  
18 manufacture methamphetamine or a substance containing  
19 methamphetamine.

20 (2) A person who violates paragraph (1) of this  
21 subsection (a) is subject to the following penalties:

22 (A) A person who possesses, procures, transports,  
23 stores, or delivers less than 15 grams of  
24 methamphetamine precursor or substance containing any  
25 methamphetamine precursor is guilty of a Class 4 ~~2~~

1 felony.

2 (B) A person who possesses, procures, transports,  
3 stores, or delivers 15 or more grams but less than 30  
4 grams of methamphetamine precursor or substance  
5 containing any methamphetamine precursor is guilty of  
6 a Class 3 ~~±~~ felony.

7 (C) A person who possesses, procures, transports,  
8 stores, or delivers 30 or more grams but less than 150  
9 grams of methamphetamine precursor or substance  
10 containing any methamphetamine precursor is guilty of  
11 a Class 2 \* felony, ~~subject to a term of imprisonment~~  
12 ~~of not less than 6 years and not more than 30 years,~~  
13 and subject to a fine not to exceed \$100,000.

14 (D) A person who possesses, procures, transports,  
15 stores, or delivers 150 or more grams but less than 500  
16 grams of methamphetamine precursor or substance  
17 containing any methamphetamine precursor is guilty of  
18 a Class 1 \* felony, ~~subject to a term of imprisonment~~  
19 ~~of not less than 8 years and not more than 40 years,~~  
20 and subject to a fine not to exceed \$200,000.

21 (E) A person who possesses, procures, transports,  
22 stores, or delivers 500 or more grams of  
23 methamphetamine precursor or substance containing any  
24 methamphetamine precursor is guilty of a Class 1 \*  
25 felony, for which the person may be sentenced ~~subject~~  
26 to a term of imprisonment of not less than 6 ~~10~~ years

1 and not more than 30 ~~50~~ years, and subject to a fine  
2 not to exceed \$300,000.

3 (b) (Blank). ~~Methamphetamine precursor or substance~~  
4 ~~containing any methamphetamine precursor in any form other than~~  
5 ~~a standard dosage form.~~

6 ~~(1) It is unlawful to knowingly possess, procure,~~  
7 ~~transport, store, or deliver any methamphetamine precursor~~  
8 ~~or substance containing any methamphetamine precursor in~~  
9 ~~any form other than a standard dosage form with the intent~~  
10 ~~that it be used to manufacture methamphetamine or a~~  
11 ~~substance containing methamphetamine.~~

12 ~~(2) A person who violates paragraph (1) of this~~  
13 ~~subsection (b) is subject to the following penalties:~~

14 ~~(A) A person who violates paragraph (1) of this~~  
15 ~~subsection (b) with the intent that less than 10 grams~~  
16 ~~of methamphetamine or a substance containing~~  
17 ~~methamphetamine be manufactured is guilty of a Class 2~~  
18 ~~felony.~~

19 ~~(B) A person who violates paragraph (1) of this~~  
20 ~~subsection (b) with the intent that 10 or more grams~~  
21 ~~but less than 20 grams of methamphetamine or a~~  
22 ~~substance containing methamphetamine be manufactured~~  
23 ~~is guilty of a Class 1 felony.~~

24 ~~(C) A person who violates paragraph (1) of this~~  
25 ~~subsection (b) with the intent that 20 or more grams~~  
26 ~~but less than 100 grams of methamphetamine or a~~

1 ~~substance containing methamphetamine be manufactured~~  
2 ~~is guilty of a Class X felony, subject to a term of~~  
3 ~~imprisonment of not less than 6 years and not more than~~  
4 ~~30 years, and subject to a fine not to exceed \$100,000.~~

5 ~~(D) A person who violates paragraph (1) of this~~  
6 ~~subsection (b) with the intent that 100 or more grams~~  
7 ~~but less than 350 grams of methamphetamine or a~~  
8 ~~substance containing methamphetamine be manufactured~~  
9 ~~is guilty of a Class X felony, subject to a term of~~  
10 ~~imprisonment of not less than 8 years and not more than~~  
11 ~~40 years, and subject to a fine not to exceed \$200,000.~~

12 ~~(E) A person who violates paragraph (1) of this~~  
13 ~~subsection (b) with the intent that 350 or more grams~~  
14 ~~of methamphetamine or a substance containing~~  
15 ~~methamphetamine be manufactured is guilty of a Class X~~  
16 ~~felony, subject to a term of imprisonment of not less~~  
17 ~~than 10 years and not more than 50 years, and subject~~  
18 ~~to a fine not to exceed \$300,000.~~

19 (c) Rule of evidence. The presence of any methamphetamine  
20 precursor in a sealed, factory imprinted container, including,  
21 but not limited to, a bottle, box, package, or blister pack, at  
22 the time of seizure by law enforcement, is prima facie evidence  
23 that the methamphetamine precursor located within the  
24 container is in fact the material so described and in the  
25 amount listed on the container. The factory imprinted container  
26 is admissible for a violation of this Act for purposes of

1 proving the contents of the container.

2 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

3 (720 ILCS 646/25)

4 Sec. 25. Anhydrous ammonia.

5 (a) Possession, procurement, transportation, storage, or  
6 delivery of anhydrous ammonia with the intent that it be used  
7 to manufacture methamphetamine.

8 (1) It is unlawful to knowingly engage in the  
9 possession, procurement, transportation, storage, or  
10 delivery of anhydrous ammonia or to attempt to engage in  
11 any of these activities or to assist another in engaging in  
12 any of these activities with the intent that the anhydrous  
13 ammonia be used to manufacture methamphetamine.

14 (2) A person who violates paragraph (1) of this  
15 subsection (a) is guilty of a Class 2 ~~1~~ felony.

16 (b) Aggravated possession, procurement, transportation,  
17 storage, or delivery of anhydrous ammonia with the intent that  
18 it be used to manufacture methamphetamine.

19 (1) It is unlawful to knowingly engage in the  
20 aggravated possession, procurement, transportation,  
21 storage, or delivery of anhydrous ammonia with the intent  
22 that it be used to manufacture methamphetamine. A person  
23 commits this offense when the person engages in the  
24 possession, procurement, transportation, storage, or  
25 delivery of anhydrous ammonia or attempts to engage in any

1 of these activities or assists another in engaging in any  
2 of these activities with the intent that the anhydrous  
3 ammonia be used to manufacture methamphetamine and:

4 (A) the person knowingly does so in a multi-unit  
5 dwelling;

6 (B) the person knowingly does so in a structure or  
7 vehicle where a child under the age of 18, or a person  
8 with a disability, or a person who is 60 years of age  
9 or older who is incapable of adequately providing for  
10 his or her own health and personal care resides, is  
11 present, or is endangered by the anhydrous ammonia;

12 (C) the person's possession, procurement,  
13 transportation, storage, or delivery of anhydrous  
14 ammonia is a contributing cause of the death, serious  
15 bodily injury, disability, or disfigurement of another  
16 person; or

17 (D) the person's possession, procurement,  
18 transportation, storage, or delivery of anhydrous  
19 ammonia is a contributing cause of a fire or explosion  
20 that damages property belonging to another person.

21 (2) A person who violates paragraph (1) of this  
22 subsection (b) is guilty of a Class 1 \* felony, ~~subject to~~  
23 ~~a term of imprisonment of not less than 6 years and not~~  
24 ~~more than 30 years,~~ and subject to a fine not to exceed  
25 \$100,000.

26 (c) Possession, procurement, transportation, storage, or

1 delivery of anhydrous ammonia in an unauthorized container.

2 (1) It is unlawful to knowingly possess, procure,  
3 transport, store, or deliver anhydrous ammonia in an  
4 unauthorized container.

5 (1.5) (Blank) ~~It is unlawful to attempt to possess,~~  
6 ~~procure, transport, store, or deliver anhydrous ammonia in~~  
7 ~~an unauthorized container.~~

8 (2) A person who violates paragraph (1) of this  
9 subsection (c) is guilty of a Class 4 ~~3~~ felony. ~~A person~~  
10 ~~who violates paragraph (1.5) of this subsection (c) is~~  
11 ~~guilty of a Class 4 felony.~~

12 (3) Affirmative defense. It is an affirmative defense  
13 that the person charged possessed, procured, transported,  
14 stored, or delivered anhydrous ammonia in a manner that  
15 substantially complied with the rules governing anhydrous  
16 ammonia equipment found in 8 Illinois Administrative Code  
17 Section 215, in 92 Illinois Administrative Code Sections  
18 171 through 180, or in any provision of the Code of Federal  
19 Regulations incorporated by reference into these Sections  
20 of the Illinois Administrative Code.

21 (d) Tampering with anhydrous ammonia equipment.

22 (1) It is unlawful to knowingly tamper with anhydrous  
23 ammonia equipment. A person tampers with anhydrous ammonia  
24 equipment when, without authorization from the lawful  
25 owner, the person:

26 (A) removes or attempts to remove anhydrous

1 ammonia from the anhydrous ammonia equipment used by  
2 the lawful owner;

3 (B) damages or attempts to damage the anhydrous  
4 ammonia equipment used by the lawful owner; or

5 (C) vents or attempts to vent anhydrous ammonia  
6 into the environment.

7 (2) A person who violates paragraph (1) of this  
8 subsection (d) is guilty of a Class 3 felony.

9 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06;  
10 95-690, eff. 1-1-08.)

11 (720 ILCS 646/30)

12 Sec. 30. Methamphetamine manufacturing material.

13 (a) It is unlawful to knowingly engage in the possession,  
14 procurement, transportation, storage, or delivery of any  
15 methamphetamine manufacturing material, other than a  
16 methamphetamine precursor, substance containing a  
17 methamphetamine precursor, or anhydrous ammonia, with the  
18 intent that it be used to manufacture methamphetamine.

19 (b) A person who violates subsection (a) of this Section is  
20 guilty of a Class 3 ~~2~~ felony.

21 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

22 (720 ILCS 646/35)

23 Sec. 35. Use of property.

24 (a) It is unlawful for a person knowingly to use or allow

1 the use of a vehicle, a structure, real property, or personal  
2 property within the person's control to help bring about a  
3 violation of this Act.

4 (b) A person who violates subsection (a) of this Section is  
5 guilty of a Class 3 ~~2~~ felony.

6 (Source: P.A. 94-556, eff. 9-11-05.)

7 (720 ILCS 646/40)

8 Sec. 40. Protection of methamphetamine manufacturing.

9 (a) It is unlawful to engage in the protection of  
10 methamphetamine manufacturing. A person engages in the  
11 protection of methamphetamine manufacturing when:

12 (1) the person knows that others have been  
13 participating, are participating, or will be participating  
14 in the manufacture of methamphetamine; and

15 (2) with the intent to help prevent detection of or  
16 interference with the methamphetamine manufacturing, the  
17 person serves as a lookout for or guard of the  
18 methamphetamine manufacturing.

19 (b) A person who violates subsection (a) of this Section is  
20 guilty of a Class 3 ~~2~~ felony.

21 (Source: P.A. 94-556, eff. 9-11-05.)

22 (720 ILCS 646/45)

23 Sec. 45. Methamphetamine manufacturing waste.

24 (a) It is unlawful to knowingly burn, place in a trash

1 receptacle, or dispose of methamphetamine manufacturing waste,  
2 knowing that the waste was used in the manufacturing of  
3 methamphetamine.

4 (b) A person who violates subsection (a) of this Section is  
5 guilty of a Class 3 ~~2~~ felony.

6 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

7 (720 ILCS 646/50)

8 Sec. 50. Methamphetamine-related child endangerment.

9 (a) Methamphetamine-related child endangerment.

10 (1) It is unlawful to engage in  
11 methamphetamine-related child endangerment. A person  
12 engages in methamphetamine-related child endangerment when  
13 the person knowingly endangers the life and health of a  
14 child by exposing or allowing exposure of the child to a  
15 methamphetamine manufacturing environment.

16 (2) A person who violates paragraph (1) of this  
17 subsection (a) is guilty of a Class 2 felony.

18 (b) Aggravated methamphetamine-related child endangerment.

19 (1) It is unlawful to engage in aggravated  
20 methamphetamine-related child endangerment. A person  
21 engages in aggravated methamphetamine-related child  
22 endangerment when the person violates paragraph (1) of this  
23 subsection (a) of this Section and the child experiences  
24 death, great bodily harm, disability, or disfigurement as a  
25 result of the methamphetamine-related child endangerment.

1           (2) A person who violates paragraph (1) of this  
2 subsection (b) is guilty of a Class 1 ~~✕~~ felony, ~~subject to~~  
3 ~~a term of imprisonment of not less than 6 years and not~~  
4 ~~more than 30 years,~~ and subject to a fine not to exceed  
5 \$100,000.

6 (Source: P.A. 94-556, eff. 9-11-05.)

7 (720 ILCS 646/55)

8 Sec. 55. Methamphetamine delivery.

9 (a) Delivery or possession with intent to deliver  
10 methamphetamine or a substance containing methamphetamine.

11 (1) It is unlawful knowingly to engage in the delivery  
12 or possession with intent to deliver methamphetamine or a  
13 substance containing methamphetamine.

14 (2) A person who violates paragraph (1) of this  
15 subsection (a) is subject to the following penalties:

16 (A) A person who delivers or possesses with intent  
17 to deliver less than one gram ~~5 grams~~ of  
18 methamphetamine or a substance containing  
19 methamphetamine is guilty of a Class 4 ~~2~~ felony.

20 (B) A person who delivers or possesses with intent  
21 to deliver one ~~5~~ or more grams but less than 15 grams  
22 of methamphetamine or a substance containing  
23 methamphetamine is guilty of a Class 3 ~~1~~ felony.

24 (C) A person who delivers or possesses with intent  
25 to deliver 15 or more grams but less than 100 grams of

1 methamphetamine or a substance containing  
2 methamphetamine is guilty of a Class 2 ✕ felony,  
3 ~~subject to a term of imprisonment of not less than 6~~  
4 ~~years and not more than 30 years,~~ and subject to a fine  
5 not to exceed \$100,000 or the street value of the  
6 methamphetamine, whichever is greater.

7 (D) A person who delivers or possesses with intent  
8 to deliver 100 or more grams but less than 400 grams of  
9 methamphetamine or a substance containing  
10 methamphetamine is guilty of a Class 1 ✕ felony,  
11 ~~subject to a term of imprisonment of not less than 9~~  
12 ~~years and not more than 40 years,~~ and subject to a fine  
13 not to exceed \$200,000 or the street value of the  
14 methamphetamine, whichever is greater.

15 (E) A person who delivers or possesses with intent  
16 to deliver 400 or more grams but less than 900 grams of  
17 methamphetamine or a substance containing  
18 methamphetamine is guilty of a Class 1 ✕ felony,  
19 ~~subject to a term of imprisonment of not less than 12~~  
20 ~~years and not more than 50 years,~~ and subject to a fine  
21 not to exceed \$300,000 or the street value of the  
22 methamphetamine, whichever is greater.

23 (F) A person who delivers or possesses with intent  
24 to deliver 900 or more grams of methamphetamine or a  
25 substance containing methamphetamine is guilty of a  
26 Class 1 ✕ felony, for which the person may be sentenced

1 ~~subject~~ to a term of imprisonment of not less than 6 ~~15~~  
2 years and not more than 30 ~~60~~ years, and subject to a  
3 fine not to exceed \$400,000 or the street value of the  
4 methamphetamine, whichever is greater.

5 (b) (Blank). ~~Aggravated delivery or possession with intent~~  
6 ~~to deliver methamphetamine or a substance containing~~  
7 ~~methamphetamine.~~

8 ~~(1) It is unlawful to engage in the aggravated delivery~~  
9 ~~or possession with intent to deliver methamphetamine or a~~  
10 ~~substance containing methamphetamine. A person engages in~~  
11 ~~the aggravated delivery or possession with intent to~~  
12 ~~deliver methamphetamine or a substance containing~~  
13 ~~methamphetamine when the person violates paragraph (1) of~~  
14 ~~subsection (a) of this Section and:~~

15 ~~(A) the person is at least 18 years of age and~~  
16 ~~knowingly delivers or possesses with intent to deliver~~  
17 ~~the methamphetamine or substance containing~~  
18 ~~methamphetamine to a person under 18 years of age;~~

19 ~~(B) the person is at least 18 years of age and~~  
20 ~~knowingly uses, engages, employs, or causes another~~  
21 ~~person to use, engage, or employ a person under 18~~  
22 ~~years of age to deliver the methamphetamine or~~  
23 ~~substance containing methamphetamine;~~

24 ~~(C) the person knowingly delivers or possesses~~  
25 ~~with intent to deliver the methamphetamine or~~  
26 ~~substance containing methamphetamine in any structure~~

1 ~~or vehicle protected by one or more firearms, explosive~~  
2 ~~devices, booby traps, alarm systems, surveillance~~  
3 ~~systems, guard dogs, or dangerous animals;~~

4 ~~(D) the person knowingly delivers or possesses~~  
5 ~~with intent to deliver the methamphetamine or~~  
6 ~~substance containing methamphetamine in any school, on~~  
7 ~~any real property comprising any school, or in any~~  
8 ~~conveyance owned, leased, or contracted by a school to~~  
9 ~~transport students to or from school or a~~  
10 ~~school related activity and at the time of the~~  
11 ~~violation persons under the age of 18 are present, the~~  
12 ~~offense is committed during school hours, or the~~  
13 ~~offense is committed at times when persons under the~~  
14 ~~age of 18 are reasonably expected to be present in the~~  
15 ~~school, in the conveyance, or on the real property,~~  
16 ~~such as when after school activities are occurring;~~

17 ~~(E) the person delivers or causes another person to~~  
18 ~~deliver the methamphetamine or substance containing~~  
19 ~~methamphetamine to a woman that the person knows to be~~  
20 ~~pregnant; or~~

21 ~~(F) (blank).~~

22 ~~(2) A person who violates paragraph (1) of this~~  
23 ~~subsection (b) is subject to the following penalties:~~

24 ~~(A) A person who delivers or possesses with intent~~  
25 ~~to deliver less than 5 grams of methamphetamine or a~~  
26 ~~substance containing methamphetamine is guilty of a~~

1 ~~Class 1 felony.~~

2 ~~(B) A person who delivers or possesses with intent~~  
3 ~~to deliver 5 or more grams but less than 15 grams of~~  
4 ~~methamphetamine or a substance containing~~  
5 ~~methamphetamine is guilty of a Class X felony, subject~~  
6 ~~to a term of imprisonment of not less than 6 years and~~  
7 ~~not more than 30 years, and subject to a fine not to~~  
8 ~~exceed \$100,000 or the street value of the~~  
9 ~~methamphetamine, whichever is greater.~~

10 ~~(C) A person who delivers or possesses with intent~~  
11 ~~to deliver 15 or more grams but less than 100 grams of~~  
12 ~~methamphetamine or a substance containing~~  
13 ~~methamphetamine is guilty of a Class X felony, subject~~  
14 ~~to a term of imprisonment of not less than 8 years and~~  
15 ~~not more than 40 years, and subject to a fine not to~~  
16 ~~exceed \$200,000 or the street value of the~~  
17 ~~methamphetamine, whichever is greater.~~

18 ~~(D) A person who delivers or possesses with intent~~  
19 ~~to deliver 100 or more grams of methamphetamine or a~~  
20 ~~substance containing methamphetamine is guilty of a~~  
21 ~~Class X felony, subject to a term of imprisonment of~~  
22 ~~not less than 10 years and not more than 50 years, and~~  
23 ~~subject to a fine not to exceed \$300,000 or the street~~  
24 ~~value of the methamphetamine, whichever is greater.~~

25 (Source: P.A. 100-3, eff. 1-1-18.)

1 (720 ILCS 646/55.1 new)

2 Sec. 55.1. Methamphetamine delivery by a person at least 18  
3 years of age to a person under 18 years of age. Any person who  
4 is at least 18 years of age who violates any subsection of  
5 Section 55 by delivering methamphetamine or substance  
6 containing methamphetamine to a person under 18 years of age  
7 may, at the discretion of the court, be sentenced to a maximum  
8 term of imprisonment that is equal to the maximum term of  
9 imprisonment for the underlying offense plus the minimum term  
10 of imprisonment for the underlying offense.

11 (720 ILCS 646/55.2 new)

12 Sec. 55.2. Employing person under 18 years of age to  
13 deliver methamphetamine. Any person who is at least 18 years of  
14 age who violates any subsection of Section 55 by using,  
15 engaging, or employing, or causing another person to use,  
16 engage, or employ a person under 18 years of age to deliver  
17 methamphetamine or substance containing methamphetamine may,  
18 at the discretion of the court, be sentenced to a maximum term  
19 of imprisonment that is equal to the maximum term of  
20 imprisonment for the underlying offense plus the minimum term  
21 of imprisonment for the underlying offense.

22 (720 ILCS 646/55.3 new)

23 Sec. 55.3. Delivery of methamphetamine or possession with  
24 intent to deliver methamphetamine-protected structure or

1 vehicle. Any person who violates any subsection of Section 55  
2 by knowingly delivering or possessing with intent to deliver  
3 methamphetamine or substance containing methamphetamine in any  
4 structure or vehicle protected by one or more explosive  
5 devices, booby traps, or dangerous animals may, at the  
6 discretion of the court, be sentenced to a maximum term of  
7 imprisonment that is equal to the maximum term of imprisonment  
8 for the underlying offense plus the minimum term of  
9 imprisonment for the underlying offense.

10 (720 ILCS 646/55.4 new)

11 Sec. 55.4. Methamphetamine delivery or possession with  
12 intent to deliver methamphetamine on school grounds. Any person  
13 who violates any subsection of Section 55 by delivering or  
14 possessing with intent to deliver methamphetamine or substance  
15 containing methamphetamine in any school, on any real property  
16 comprising any school, or in any conveyance owned, leased, or  
17 contracted by a school to transport students to or from school  
18 or a school-related activity shall be sentenced to a class of  
19 offense that is one class higher than the sentence otherwise  
20 authorized by the pertinent subsection of Section 55. If the  
21 sentence otherwise authorized by the pertinent subsection of  
22 Section 55 is a Class 1 felony for which the person may be  
23 sentenced to a term of imprisonment of not less than 4 years  
24 and not more than 15 years, the penalty for an offense under  
25 this Section is a Class 1 felony for which the person may be

1 sentenced to a term of imprisonment of not less than 6 years  
2 and not more than 30 years. If the sentence otherwise  
3 authorized by the pertinent subsection of Section 55 is a Class  
4 1 felony for which the person may be sentenced to a term of  
5 imprisonment of not less than 6 years and not more than 30  
6 years, the penalty for an offense under this Section is a Class  
7 1 felony for which the person may be sentenced to a term of  
8 imprisonment of not less than 9 years and not more than 40  
9 years.

10 (720 ILCS 646/55.5 new)

11 Sec. 55.5. Methamphetamine delivery to pregnant woman. Any  
12 person who violates any subsection of Section 55 by delivering  
13 or causing to be delivered methamphetamine or substance  
14 containing methamphetamine to a woman that the person knows to  
15 be pregnant may, at the discretion of the court, be sentenced  
16 to a maximum term of imprisonment that is equal to the maximum  
17 term of imprisonment for the underlying offense plus the  
18 minimum term of imprisonment for the underlying offense.

19 (720 ILCS 646/56)

20 Sec. 56. Methamphetamine trafficking.

21 (a) Except for purposes as authorized by this Act, any  
22 person who knowingly brings, or causes to be brought, into this  
23 State 400 grams or more of methamphetamine or 500 grams or more  
24 of , anhydrous ammonia, or a methamphetamine precursor or any

1 amount of anhydrous ammonia for the purpose of manufacture or  
2 delivery of methamphetamine or with the intent to manufacture  
3 or deliver methamphetamine is guilty of methamphetamine  
4 trafficking.

5 (a-5) A person convicted of methamphetamine trafficking  
6 shall be sentenced as authorized by Section 55 of this Act,  
7 based upon the amount of the methamphetamine brought or caused  
8 to be brought into this State, if the person at sentencing  
9 proves by a preponderance of the evidence that he or she:

10 (1) received little or no compensation from the illegal  
11 transport of the methamphetamine into this State and had  
12 minimal knowledge of the scope and structure of the  
13 enterprise to manufacture or deliver the methamphetamine  
14 transported; or

15 (2) was not involved in the organization or planning of  
16 the enterprise to manufacture or deliver the  
17 methamphetamine transported.

18 (b) Except as otherwise provided in subsection (a-5), a ~~A~~  
19 person convicted of methamphetamine trafficking shall be  
20 sentenced ~~to a term of imprisonment of not less than twice the~~  
21 ~~minimum term and not more than twice the maximum term of~~  
22 ~~imprisonment~~ based upon the amount of methamphetamine brought  
23 or caused to be brought into this State, as provided in  
24 ~~subsection (a) of~~ Section 55 of this Act that is one class  
25 higher than the underlying offense. If the underlying offense  
26 is a Class 1 felony for which the offender may be sentenced to

1 a term of imprisonment of not less than 6 years and not more  
2 than 30 years, the penalty for methamphetamine trafficking is a  
3 Class 1 felony for which the person may be sentenced to a term  
4 of imprisonment of not less 9 years and not more than 40 years.

5 (c) (Blank) ~~A person convicted of methamphetamine~~  
6 ~~trafficking based upon a methamphetamine precursor shall be~~  
7 ~~sentenced to a term of imprisonment of not less than twice the~~  
8 ~~minimum term and not more than twice the maximum term of~~  
9 ~~imprisonment based upon the amount of methamphetamine~~  
10 ~~precursor provided in subsection (a) or (b) of Section 20 of~~  
11 ~~this Act brought or caused to be brought into this State.~~

12 (d) A person convicted of methamphetamine trafficking  
13 based upon anhydrous ammonia under paragraph (1) of subsection  
14 (a) of Section 25 of this Act is guilty of a Class 1 felony  
15 ~~shall be sentenced to a term of imprisonment of not less than~~  
16 ~~twice the minimum term and not more than twice the maximum term~~  
17 ~~of imprisonment provided in paragraph (1) of subsection (a) of~~  
18 ~~Section 25 of this Act.~~

19 (Source: P.A. 94-830, eff. 6-5-06.)

20 (720 ILCS 646/60)

21 Sec. 60. Methamphetamine possession.

22 (a) It is unlawful knowingly to possess methamphetamine or  
23 a substance containing methamphetamine.

24 (b) A person who violates subsection (a) is subject to the  
25 following penalties:

1 (1) A person who possesses less than 15 ~~5~~ grams of  
2 methamphetamine or a substance containing methamphetamine  
3 is guilty of a Class A misdemeanor ~~3 felony~~.

4 (2) (Blank). ~~A person who possesses 5 or more grams but~~  
5 ~~less than 15 grams of methamphetamine or a substance~~  
6 ~~containing methamphetamine is guilty of a Class 2 felony.~~

7 (3) A person who possesses 15 or more grams but less  
8 than 100 grams of methamphetamine or a substance containing  
9 methamphetamine is guilty of a Class 3 ~~±~~ felony.

10 (4) A person who possesses 100 or more grams but less  
11 than 400 grams of methamphetamine or a substance containing  
12 methamphetamine is guilty of a Class 2 ~~\*~~ felony, ~~subject to~~  
13 ~~a term of imprisonment of not less than 6 years and not~~  
14 ~~more than 30 years,~~ and subject to a fine not to exceed  
15 \$100,000.

16 (5) A person who possesses 400 or more grams but less  
17 than 900 grams of methamphetamine or a substance containing  
18 methamphetamine is guilty of a Class 1 ~~\*~~ felony, ~~subject to~~  
19 ~~a term of imprisonment of not less than 8 years and not~~  
20 ~~more than 40 years,~~ and subject to a fine not to exceed  
21 \$200,000.

22 (6) A person who possesses 900 or more grams of  
23 methamphetamine or a substance containing methamphetamine  
24 is guilty of a Class 1 ~~\*~~ felony, ~~subject to a term of~~  
25 ~~imprisonment of not less than 10 years and not more than 50~~  
26 ~~years,~~ and subject to a fine not to exceed \$300,000.

1 (Source: P.A. 94-556, eff. 9-11-05.)

2 (720 ILCS 646/70)

3 Sec. 70. Probation.

4 (a) Whenever any person who has not previously been  
5 convicted of any felony offense under this Act, the Illinois  
6 Controlled Substances Act, the Cannabis Control Act, or any law  
7 of the United States or of any state relating to cannabis or  
8 controlled substances, pleads guilty to or is found guilty of  
9 possession of less than 15 grams of methamphetamine under  
10 paragraph (1) or (2) of subsection (b) of Section 60 of this  
11 Act, the court, without entering a judgment and with the  
12 consent of the person, may sentence him or her to probation.

13 (b) When a person is placed on probation, the court shall  
14 enter an order specifying a period of probation of 24 months  
15 and shall defer further proceedings in the case until the  
16 conclusion of the period or until the filing of a petition  
17 alleging violation of a term or condition of probation.

18 (c) The conditions of probation shall be that the person:

19 (1) not violate any criminal statute of any  
20 jurisdiction;

21 (2) refrain from possessing a firearm or other  
22 dangerous weapon;

23 (3) submit to periodic drug testing at a time and in a  
24 manner as ordered by the court, but no less than 3 times  
25 during the period of the probation, with the cost of the

1 testing to be paid by the probationer; and

2 (4) perform no less than 30 hours of community service,  
3 if community service is available in the jurisdiction and  
4 is funded and approved by the county board. The court may  
5 give credit toward the fulfillment of community service  
6 hours for participation in activities and treatment as  
7 determined by court services.

8 (d) The court may, in addition to other conditions, require  
9 that the person take one or more of the following actions:

10 (1) make a report to and appear in person before or  
11 participate with the court or such courts, person, or  
12 social service agency as directed by the court in the order  
13 of probation;

14 (2) pay a fine and costs;

15 (3) work or pursue a course of study or vocational  
16 training;

17 (4) undergo medical or psychiatric treatment; or  
18 treatment or rehabilitation approved by the Illinois  
19 Department of Human Services;

20 (5) attend or reside in a facility established for the  
21 instruction or residence of defendants on probation;

22 (6) support his or her dependents;

23 (7) refrain from having in his or her body the presence  
24 of any illicit drug prohibited by this Act, the Cannabis  
25 Control Act, or the Illinois Controlled Substances Act,  
26 unless prescribed by a physician, and submit samples of his

1 or her blood or urine or both for tests to determine the  
2 presence of any illicit drug; or

3 (8) if a minor:

4 (i) reside with his or her parents or in a foster  
5 home;

6 (ii) attend school;

7 (iii) attend a non-residential program for youth;

8 or

9 (iv) contribute to his or her own support at home  
10 or in a foster home.

11 (e) Upon violation of a term or condition of probation, the  
12 court may enter a judgment on its original finding of guilt and  
13 proceed as otherwise provided.

14 (f) Upon fulfillment of the terms and conditions of  
15 probation, the court shall discharge the person and dismiss the  
16 proceedings against the person.

17 (g) A disposition of probation is considered to be a  
18 conviction for the purposes of imposing the conditions of  
19 probation and for appeal, however, discharge and dismissal  
20 under this Section is not a conviction for purposes of this Act  
21 or for purposes of disqualifications or disabilities imposed by  
22 law upon conviction of a crime.

23 (h) (Blank). ~~A person may not have more than one discharge~~  
24 ~~and dismissal under this Section within a 4-year period.~~

25 (i) If a person is convicted of an offense under this Act,  
26 the Cannabis Control Act, or the Illinois Controlled Substances

1 Act within 5 years subsequent to a discharge and dismissal  
2 under this Section, the discharge and dismissal under this  
3 Section are admissible in the sentencing proceeding for that  
4 conviction as evidence in aggravation.

5 (j) Notwithstanding subsection (a), before a person is  
6 sentenced to probation under this Section, the court may refer  
7 the person to the drug court established in that judicial  
8 circuit pursuant to Section 15 of the Drug Court Treatment Act.  
9 The drug court team shall evaluate the person's likelihood of  
10 successfully completing a sentence of probation under this  
11 Section and shall report the results of its evaluation to the  
12 court. If the drug court team finds that the person suffers  
13 from a substance abuse problem that makes him or her  
14 substantially unlikely to successfully complete a sentence of  
15 probation under this Section, then the drug court shall set  
16 forth its findings in the form of a written order, and the  
17 person shall not be sentenced to probation under this Section,  
18 but shall be considered for the drug court program.

19 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18; 100-575,  
20 eff. 1-8-18.)

21 (720 ILCS 646/65 rep.)

22 (720 ILCS 646/100 rep.)

23 Section 40. The Methamphetamine Control and Community  
24 Protection Act is amended by repealing Sections 65 and 100.

1 Section 43. The State's Attorneys Appellate Prosecutor's  
2 Act is amended by changing Section 4.01 as follows:

3 (725 ILCS 210/4.01) (from Ch. 14, par. 204.01)

4 Sec. 4.01. (a) The Office and all attorneys employed  
5 thereby may represent the People of the State of Illinois on  
6 appeal in all cases which emanate from a county containing less  
7 than 3,000,000 inhabitants, when requested to do so and at the  
8 direction of the State's Attorney, otherwise responsible for  
9 prosecuting the appeal, and may, with the advice and consent of  
10 the State's Attorney prepare, file and argue such appellate  
11 briefs in the Illinois Appellate Court and, when requested and  
12 authorized to do so by the Attorney General, in the Illinois  
13 Supreme Court.

14 (b) Notwithstanding the population restriction contained  
15 in subsection (a), the Office may also assist County State's  
16 Attorneys in the discharge of their duties under the Illinois  
17 Controlled Substances Act, the Cannabis Control Act, the  
18 Methamphetamine Control and Community Protection Act, the Drug  
19 Asset Forfeiture Procedure Act, the Narcotics Profit  
20 Forfeiture Act, and the Illinois Public Labor Relations Act,  
21 including negotiations conducted on behalf of a county or  
22 pursuant to an intergovernmental agreement as well as in the  
23 trial and appeal of said cases and of tax objections, and the  
24 counties which use services relating to labor relations shall  
25 reimburse the Office on pro-rated shares as determined by the

1 board based upon the population and number of labor relations  
2 cases of the participating counties. In addition, the Office  
3 and all attorneys employed by the Office may also assist  
4 State's Attorneys in the discharge of their duties in the  
5 prosecution, trial, or hearing on post-conviction of other  
6 cases when requested to do so by, and at the direction of, the  
7 State's Attorney otherwise responsible for the case. In  
8 addition, the Office and all attorneys employed by the Office  
9 may act as Special Prosecutor if duly appointed to do so by a  
10 court having jurisdiction. Except when the appointment of a  
11 Special Prosecutor is made pursuant to subsection (a-17) of  
12 Section 3-9008 of the Counties Code, to ~~be~~ be effective, the  
13 order appointing the Office or its attorneys as Special  
14 Prosecutor must (i) identify the case and its subject matter  
15 and (ii) state that the Special Prosecutor serves at the  
16 pleasure of the Attorney General, who may substitute himself or  
17 herself as the Special Prosecutor when, in his or her judgment,  
18 the interest of the people of the State so requires. Within 5  
19 days after receiving a copy of an order from the court  
20 appointing the Office or any of its attorneys as a Special  
21 Prosecutor, the Office must forward a copy of the order to the  
22 Springfield office of the Attorney General.

23 (Source: P.A. 100-319, eff. 8-24-17.)

24 Section 45. The Unified Code of Corrections is amended by  
25 changing Sections 3-6-3, 5-4-1, 5-4.5-95, 5-5-3, 5-6-3.3,

1 5-6-3.4, 5-8-1, 5-8-2, and 5-8-6 as follows:

2 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

3 Sec. 3-6-3. Rules and regulations for sentence credit.

4 (a) (1) The Department of Corrections shall prescribe rules  
5 and regulations for awarding and revoking sentence credit for  
6 persons committed to the Department which shall be subject to  
7 review by the Prisoner Review Board.

8 (1.5) As otherwise provided by law, sentence credit may be  
9 awarded for the following:

10 (A) successful completion of programming while in  
11 custody of the Department or while in custody prior to  
12 sentencing;

13 (B) compliance with the rules and regulations of the  
14 Department; or

15 (C) service to the institution, service to a community,  
16 or service to the State.

17 (2) Except as provided in paragraph (4.7) of this  
18 subsection (a), the rules and regulations on sentence credit  
19 shall provide, with respect to offenses listed in clause (i),  
20 (ii), or (iii) of this paragraph (2) committed on or after June  
21 19, 1998 or with respect to the offense listed in clause (iv)  
22 of this paragraph (2) committed on or after June 23, 2005 (the  
23 effective date of Public Act 94-71) or with respect to offense  
24 listed in clause (vi) committed on or after June 1, 2008 (the  
25 effective date of Public Act 95-625) or with respect to the

1 offense of being an armed habitual criminal committed on or  
2 after August 2, 2005 (the effective date of Public Act 94-398)  
3 or with respect to the offenses listed in clause (v) of this  
4 paragraph (2) committed on or after August 13, 2007 (the  
5 effective date of Public Act 95-134) or with respect to the  
6 offense of aggravated domestic battery committed on or after  
7 July 23, 2010 (the effective date of Public Act 96-1224) or  
8 with respect to the offense of attempt to commit terrorism  
9 committed on or after January 1, 2013 (the effective date of  
10 Public Act 97-990), the following:

11 (i) that a prisoner who is serving a term of  
12 imprisonment for ~~first degree murder or for~~ the offense of  
13 terrorism shall receive no sentence credit and shall serve  
14 the entire sentence imposed by the court;

15 (i-5) that a prisoner who is serving a term of  
16 imprisonment for first degree murder shall receive no more  
17 than 7.5 days of sentence credit for each month of his or  
18 her sentence of imprisonment;

19 (ii) that a prisoner serving a sentence for attempt to  
20 commit terrorism, attempt to commit first degree murder,  
21 solicitation of murder, solicitation of murder for hire,  
22 intentional homicide of an unborn child, predatory  
23 criminal sexual assault of a child, aggravated criminal  
24 sexual assault, criminal sexual assault, aggravated  
25 kidnapping, aggravated battery with a firearm as described  
26 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or

1 (e) (4) of Section 12-3.05, heinous battery as described in  
2 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,  
3 being an armed habitual criminal, aggravated battery of a  
4 senior citizen as described in Section 12-4.6 or  
5 subdivision (a) (4) of Section 12-3.05, or aggravated  
6 battery of a child as described in Section 12-4.3 or  
7 subdivision (b) (1) of Section 12-3.05 shall receive no more  
8 than 8.5 ~~4.5~~ days of sentence credit for each month of his  
9 or her sentence of imprisonment;

10 (iii) that a prisoner serving a sentence for home  
11 invasion, armed robbery, aggravated vehicular hijacking,  
12 aggravated discharge of a firearm, or armed violence with a  
13 category I weapon or category II weapon, when the court has  
14 made and entered a finding, pursuant to subsection (c-1) of  
15 Section 5-4-1 of this Code, that the conduct leading to  
16 conviction for the enumerated offense resulted in great  
17 bodily harm to a victim, shall receive no more than 8.5 ~~4.5~~  
18 days of sentence credit for each month of his or her  
19 sentence of imprisonment;

20 (iv) that a prisoner serving a sentence for aggravated  
21 discharge of a firearm, whether or not the conduct leading  
22 to conviction for the offense resulted in great bodily harm  
23 to the victim, shall receive no more than 8.5 ~~4.5~~ days of  
24 sentence credit for each month of his or her sentence of  
25 imprisonment;

26 (v) that a person serving a sentence for gunrunning,

1       ~~narcotics racketeering, controlled substance trafficking,~~  
2       ~~methamphetamine trafficking,~~ drug-induced homicide, or  
3       aggravated methamphetamine-related child endangerment,  
4       ~~money laundering pursuant to clause (c) (4) or (5) of~~  
5       ~~Section 29B-1 of the Criminal Code of 1961 or the Criminal~~  
6       ~~Code of 2012, or a Class X felony conviction for delivery~~  
7       ~~of a controlled substance, possession of a controlled~~  
8       ~~substance with intent to manufacture or deliver,~~  
9       ~~calculated criminal drug conspiracy, criminal drug~~  
10       ~~conspiracy, street gang criminal drug conspiracy,~~  
11       ~~participation in methamphetamine manufacturing, aggravated~~  
12       ~~participation in methamphetamine manufacturing, delivery~~  
13       ~~of methamphetamine, possession with intent to deliver~~  
14       ~~methamphetamine, aggravated delivery of methamphetamine,~~  
15       ~~aggravated possession with intent to deliver~~  
16       ~~methamphetamine, methamphetamine conspiracy when the~~  
17       ~~substance containing the controlled substance or~~  
18       ~~methamphetamine is 100 grams or more shall receive no more~~  
19       than 10.5 ~~7.5~~ days sentence credit for each month of his or  
20       her sentence of imprisonment;

21       (vi) that a prisoner serving a sentence for a second or  
22       subsequent offense of luring a minor shall receive no more  
23       than 8.5 ~~4.5~~ days of sentence credit for each month of his  
24       or her sentence of imprisonment; and

25       (vii) that a prisoner serving a sentence for aggravated  
26       domestic battery shall receive no more than 8.5 ~~4.5~~ days of

1 sentence credit for each month of his or her sentence of  
2 imprisonment.

3 (2.1) For all offenses, other than those enumerated in  
4 subdivision (a)(2)(i), (i-5), (ii), or (iii) committed on or  
5 after June 19, 1998 or subdivision (a)(2)(iv) committed on or  
6 after June 23, 2005 (the effective date of Public Act 94-71) or  
7 subdivision (a)(2)(v) committed on or after August 13, 2007  
8 (the effective date of Public Act 95-134) or subdivision  
9 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
10 date of Public Act 95-625) or subdivision (a)(2)(vii) committed  
11 on or after July 23, 2010 (the effective date of Public Act  
12 96-1224), and other than the offense of aggravated driving  
13 under the influence of alcohol, other drug or drugs, or  
14 intoxicating compound or compounds, or any combination thereof  
15 as defined in subparagraph (F) of paragraph (1) of subsection  
16 (d) of Section 11-501 of the Illinois Vehicle Code, and other  
17 than the offense of aggravated driving under the influence of  
18 alcohol, other drug or drugs, or intoxicating compound or  
19 compounds, or any combination thereof as defined in  
20 subparagraph (C) of paragraph (1) of subsection (d) of Section  
21 11-501 of the Illinois Vehicle Code committed on or after  
22 January 1, 2011 (the effective date of Public Act 96-1230), the  
23 rules and regulations shall provide that a prisoner who is  
24 serving a term of imprisonment shall receive one day of  
25 sentence credit for each day of his or her sentence of  
26 imprisonment or recommitment under Section 3-3-9. Each day of

1 sentence credit shall reduce by one day the prisoner's period  
2 of imprisonment or recommitment under Section 3-3-9.

3 (2.2) A prisoner serving a term of natural life  
4 imprisonment or a prisoner who has been sentenced to death  
5 shall receive no sentence credit.

6 (2.3) Except as provided in paragraph (4.7) of this  
7 subsection (a), the rules and regulations on sentence credit  
8 shall provide that a prisoner who is serving a sentence for  
9 aggravated driving under the influence of alcohol, other drug  
10 or drugs, or intoxicating compound or compounds, or any  
11 combination thereof as defined in subparagraph (F) of paragraph  
12 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
13 Code, shall receive no more than 8.5 ~~4.5~~ days of sentence  
14 credit for each month of his or her sentence of imprisonment.

15 (2.4) Except as provided in paragraph (4.7) of this  
16 subsection (a), the rules and regulations on sentence credit  
17 shall provide with respect to the offenses of aggravated  
18 battery with a machine gun or a firearm equipped with any  
19 device or attachment designed or used for silencing the report  
20 of a firearm or aggravated discharge of a machine gun or a  
21 firearm equipped with any device or attachment designed or used  
22 for silencing the report of a firearm, committed on or after  
23 July 15, 1999 (the effective date of Public Act 91-121), that a  
24 prisoner serving a sentence for any of these offenses shall  
25 receive no more than 8.5 ~~4.5~~ days of sentence credit for each  
26 month of his or her sentence of imprisonment.

1           (2.5) Except as provided in paragraph (4.7) of this  
2 subsection (a), the rules and regulations on sentence credit  
3 shall provide that a prisoner who is serving a sentence for  
4 aggravated arson committed on or after July 27, 2001 (the  
5 effective date of Public Act 92-176) shall receive no more than  
6 8.5 ~~4.5~~ days of sentence credit for each month of his or her  
7 sentence of imprisonment.

8           (2.6) Except as provided in paragraph (4.7) of this  
9 subsection (a), the rules and regulations on sentence credit  
10 shall provide that a prisoner who is serving a sentence for  
11 aggravated driving under the influence of alcohol, other drug  
12 or drugs, or intoxicating compound or compounds or any  
13 combination thereof as defined in subparagraph (C) of paragraph  
14 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
15 Code committed on or after January 1, 2011 (the effective date  
16 of Public Act 96-1230) shall receive no more than 8.5 ~~4.5~~ days  
17 of sentence credit for each month of his or her sentence of  
18 imprisonment.

19           (3) In addition to the sentence credits earned under  
20 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection (a),  
21 the rules and regulations shall also provide that the Director  
22 may award up to 180 days of earned sentence credit for good  
23 conduct in specific instances as the Director deems proper. The  
24 good conduct may include, but is not limited to, compliance  
25 with the rules and regulations of the Department, service to  
26 the Department, service to a community, or service to the

1 State.

2 Eligible inmates for an award of earned sentence credit  
3 under this paragraph (3) may be selected to receive the credit  
4 at the Director's or his or her designee's sole discretion.  
5 Eligibility for the additional earned sentence credit under  
6 this paragraph (3) shall be based on, but is not limited to,  
7 the results of any available risk/needs assessment or other  
8 relevant assessments or evaluations administered by the  
9 Department using a validated instrument, the circumstances of  
10 the crime, any history of conviction for a forcible felony  
11 enumerated in Section 2-8 of the Criminal Code of 2012, the  
12 inmate's behavior and disciplinary history while incarcerated,  
13 and the inmate's commitment to rehabilitation, including  
14 participation in programming offered by the Department.

15 The Director shall not award sentence credit under this  
16 paragraph (3) to an inmate unless the inmate has served a  
17 minimum of 60 days of the sentence; except nothing in this  
18 paragraph shall be construed to permit the Director to extend  
19 an inmate's sentence beyond that which was imposed by the  
20 court. Prior to awarding credit under this paragraph (3), the  
21 Director shall make a written determination that the inmate:

22 (A) is eligible for the earned sentence credit;

23 (B) has served a minimum of 60 days, or as close to 60  
24 days as the sentence will allow;

25 (B-1) has received a risk/needs assessment or other  
26 relevant evaluation or assessment administered by the

1 Department using a validated instrument; and

2 (C) has met the eligibility criteria established by  
3 rule for earned sentence credit.

4 The Director shall determine the form and content of the  
5 written determination required in this subsection.

6 (3.5) The Department shall provide annual written reports  
7 to the Governor and the General Assembly on the award of earned  
8 sentence credit no later than February 1 of each year. The  
9 Department must publish both reports on its website within 48  
10 hours of transmitting the reports to the Governor and the  
11 General Assembly. The reports must include:

12 (A) the number of inmates awarded earned sentence  
13 credit;

14 (B) the average amount of earned sentence credit  
15 awarded;

16 (C) the holding offenses of inmates awarded earned  
17 sentence credit; and

18 (D) the number of earned sentence credit revocations.

19 (4) Except as provided in paragraph (4.7) of this  
20 subsection (a), the rules and regulations shall also provide  
21 that the sentence credit accumulated and retained under  
22 paragraph (2.1) of subsection (a) of this Section by any inmate  
23 during specific periods of time in which such inmate is engaged  
24 full-time in substance abuse programs, correctional industry  
25 assignments, educational programs, behavior modification  
26 programs, life skills courses, or re-entry planning provided by

1 the Department under this paragraph (4) and satisfactorily  
2 completes the assigned program as determined by the standards  
3 of the Department, shall be multiplied by a factor of 1.25 for  
4 program participation before August 11, 1993 and 1.50 for  
5 program participation on or after that date. The rules and  
6 regulations shall also provide that sentence credit, subject to  
7 the same offense limits and multiplier provided in this  
8 paragraph, may be provided to an inmate who was held in  
9 pre-trial detention prior to his or her current commitment to  
10 the Department of Corrections and successfully completed a  
11 full-time, 60-day or longer substance abuse program,  
12 educational program, behavior modification program, life  
13 skills course, or re-entry planning provided by the county  
14 department of corrections or county jail. Calculation of this  
15 county program credit shall be done at sentencing as provided  
16 in Section 5-4.5-100 of this Code and shall be included in the  
17 sentencing order. However, no inmate shall be eligible for the  
18 additional sentence credit under this paragraph (4) or (4.1) of  
19 this subsection (a) while assigned to a boot camp or electronic  
20 detention.

21 Educational, vocational, substance abuse, behavior  
22 modification programs, life skills courses, re-entry planning,  
23 and correctional industry programs under which sentence credit  
24 may be increased under this paragraph (4) and paragraph (4.1)  
25 of this subsection (a) shall be evaluated by the Department on  
26 the basis of documented standards. The Department shall report

1 the results of these evaluations to the Governor and the  
2 General Assembly by September 30th of each year. The reports  
3 shall include data relating to the recidivism rate among  
4 program participants.

5 Availability of these programs shall be subject to the  
6 limits of fiscal resources appropriated by the General Assembly  
7 for these purposes. Eligible inmates who are denied immediate  
8 admission shall be placed on a waiting list under criteria  
9 established by the Department. The inability of any inmate to  
10 become engaged in any such programs by reason of insufficient  
11 program resources or for any other reason established under the  
12 rules and regulations of the Department shall not be deemed a  
13 cause of action under which the Department or any employee or  
14 agent of the Department shall be liable for damages to the  
15 inmate.

16 (4.1) Except as provided in paragraph (4.7) of this  
17 subsection (a), the rules and regulations shall also provide  
18 that an additional 90 days of sentence credit shall be awarded  
19 to any prisoner who passes high school equivalency testing  
20 while the prisoner is committed to the Department of  
21 Corrections. The sentence credit awarded under this paragraph  
22 (4.1) shall be in addition to, and shall not affect, the award  
23 of sentence credit under any other paragraph of this Section,  
24 but shall also be pursuant to the guidelines and restrictions  
25 set forth in paragraph (4) of subsection (a) of this Section.  
26 The sentence credit provided for in this paragraph shall be

1 available only to those prisoners who have not previously  
2 earned a high school diploma or a high school equivalency  
3 certificate. If, after an award of the high school equivalency  
4 testing sentence credit has been made, the Department  
5 determines that the prisoner was not eligible, then the award  
6 shall be revoked. The Department may also award 90 days of  
7 sentence credit to any committed person who passed high school  
8 equivalency testing while he or she was held in pre-trial  
9 detention prior to the current commitment to the Department of  
10 Corrections.

11 (4.5) The rules and regulations on sentence credit shall  
12 also provide that when the court's sentencing order recommends  
13 a prisoner for substance abuse treatment and the crime was  
14 committed on or after September 1, 2003 (the effective date of  
15 Public Act 93-354), the prisoner shall receive no sentence  
16 credit awarded under clause (3) of this subsection (a) unless  
17 he or she participates in and completes a substance abuse  
18 treatment program. The Director may waive the requirement to  
19 participate in or complete a substance abuse treatment program  
20 in specific instances if the prisoner is not a good candidate  
21 for a substance abuse treatment program for medical,  
22 programming, or operational reasons. Availability of substance  
23 abuse treatment shall be subject to the limits of fiscal  
24 resources appropriated by the General Assembly for these  
25 purposes. If treatment is not available and the requirement to  
26 participate and complete the treatment has not been waived by

1 the Director, the prisoner shall be placed on a waiting list  
2 under criteria established by the Department. The Director may  
3 allow a prisoner placed on a waiting list to participate in and  
4 complete a substance abuse education class or attend substance  
5 abuse self-help meetings in lieu of a substance abuse treatment  
6 program. A prisoner on a waiting list who is not placed in a  
7 substance abuse program prior to release may be eligible for a  
8 waiver and receive sentence credit under clause (3) of this  
9 subsection (a) at the discretion of the Director.

10 (4.6) The rules and regulations on sentence credit shall  
11 also provide that a prisoner who has been convicted of a sex  
12 offense as defined in Section 2 of the Sex Offender  
13 Registration Act shall receive no sentence credit unless he or  
14 she either has successfully completed or is participating in  
15 sex offender treatment as defined by the Sex Offender  
16 Management Board. However, prisoners who are waiting to receive  
17 treatment, but who are unable to do so due solely to the lack  
18 of resources on the part of the Department, may, at the  
19 Director's sole discretion, be awarded sentence credit at a  
20 rate as the Director shall determine.

21 (4.7) On or after the effective date of this amendatory Act  
22 of the 100th General Assembly, sentence credit under paragraph  
23 (3), (4), or (4.1) of this subsection (a) may be awarded to a  
24 prisoner who is serving a sentence for an offense described in  
25 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
26 on or after the effective date of this amendatory Act of the

1 100th General Assembly; provided, the award of the credits  
2 under this paragraph (4.7) shall not reduce the sentence of the  
3 prisoner to less than the following amounts:

4 (i) 85% of his or her sentence if the prisoner is  
5 required to serve 85% of his or her sentence; or

6 (ii) 60% of his or her sentence if the prisoner is  
7 required to serve 75% of his or her sentence, except if the  
8 prisoner is serving a sentence for gunrunning his or her  
9 sentence shall not be reduced to less than 75%.

10 This paragraph (4.7) shall not apply to a prisoner serving  
11 a sentence for an offense described in subparagraph (i) of  
12 paragraph (2) of this subsection (a).

13 (5) Whenever the Department is to release any inmate  
14 earlier than it otherwise would because of a grant of earned  
15 sentence credit under paragraph (3) of subsection (a) of this  
16 Section given at any time during the term, the Department shall  
17 give reasonable notice of the impending release not less than  
18 14 days prior to the date of the release to the State's  
19 Attorney of the county where the prosecution of the inmate took  
20 place, and if applicable, the State's Attorney of the county  
21 into which the inmate will be released. The Department must  
22 also make identification information and a recent photo of the  
23 inmate being released accessible on the Internet by means of a  
24 hyperlink labeled "Community Notification of Inmate Early  
25 Release" on the Department's World Wide Web homepage. The  
26 identification information shall include the inmate's: name,

1 any known alias, date of birth, physical characteristics,  
2 commitment offense and county where conviction was imposed. The  
3 identification information shall be placed on the website  
4 within 3 days of the inmate's release and the information may  
5 not be removed until either: completion of the first year of  
6 mandatory supervised release or return of the inmate to custody  
7 of the Department.

8 (b) Whenever a person is or has been committed under  
9 several convictions, with separate sentences, the sentences  
10 shall be construed under Section 5-8-4 in granting and  
11 forfeiting of sentence credit.

12 (c) The Department shall prescribe rules and regulations  
13 for revoking sentence credit, including revoking sentence  
14 credit awarded under paragraph (3) of subsection (a) of this  
15 Section. The Department shall prescribe rules and regulations  
16 for suspending or reducing the rate of accumulation of sentence  
17 credit for specific rule violations, during imprisonment.  
18 These rules and regulations shall provide that no inmate may be  
19 penalized more than one year of sentence credit for any one  
20 infraction.

21 When the Department seeks to revoke, suspend or reduce the  
22 rate of accumulation of any sentence credits for an alleged  
23 infraction of its rules, it shall bring charges therefor  
24 against the prisoner sought to be so deprived of sentence  
25 credits before the Prisoner Review Board as provided in  
26 subparagraph (a)(4) of Section 3-3-2 of this Code, if the

1 amount of credit at issue exceeds 30 days or when during any 12  
2 month period, the cumulative amount of credit revoked exceeds  
3 30 days except where the infraction is committed or discovered  
4 within 60 days of scheduled release. In those cases, the  
5 Department of Corrections may revoke up to 30 days of sentence  
6 credit. The Board may subsequently approve the revocation of  
7 additional sentence credit, if the Department seeks to revoke  
8 sentence credit in excess of 30 days. However, the Board shall  
9 not be empowered to review the Department's decision with  
10 respect to the loss of 30 days of sentence credit within any  
11 calendar year for any prisoner or to increase any penalty  
12 beyond the length requested by the Department.

13 The Director of the Department of Corrections, in  
14 appropriate cases, may restore up to 30 days of sentence  
15 credits which have been revoked, suspended or reduced. Any  
16 restoration of sentence credits in excess of 30 days shall be  
17 subject to review by the Prisoner Review Board. However, the  
18 Board may not restore sentence credit in excess of the amount  
19 requested by the Director.

20 Nothing contained in this Section shall prohibit the  
21 Prisoner Review Board from ordering, pursuant to Section  
22 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
23 sentence imposed by the court that was not served due to the  
24 accumulation of sentence credit.

25 (d) If a lawsuit is filed by a prisoner in an Illinois or  
26 federal court against the State, the Department of Corrections,

1 or the Prisoner Review Board, or against any of their officers  
2 or employees, and the court makes a specific finding that a  
3 pleading, motion, or other paper filed by the prisoner is  
4 frivolous, the Department of Corrections shall conduct a  
5 hearing to revoke up to 180 days of sentence credit by bringing  
6 charges against the prisoner sought to be deprived of the  
7 sentence credits before the Prisoner Review Board as provided  
8 in subparagraph (a) (8) of Section 3-3-2 of this Code. If the  
9 prisoner has not accumulated 180 days of sentence credit at the  
10 time of the finding, then the Prisoner Review Board may revoke  
11 all sentence credit accumulated by the prisoner.

12 For purposes of this subsection (d):

13 (1) "Frivolous" means that a pleading, motion, or other  
14 filing which purports to be a legal document filed by a  
15 prisoner in his or her lawsuit meets any or all of the  
16 following criteria:

17 (A) it lacks an arguable basis either in law or in  
18 fact;

19 (B) it is being presented for any improper purpose,  
20 such as to harass or to cause unnecessary delay or  
21 needless increase in the cost of litigation;

22 (C) the claims, defenses, and other legal  
23 contentions therein are not warranted by existing law  
24 or by a nonfrivolous argument for the extension,  
25 modification, or reversal of existing law or the  
26 establishment of new law;

1 (D) the allegations and other factual contentions  
2 do not have evidentiary support or, if specifically so  
3 identified, are not likely to have evidentiary support  
4 after a reasonable opportunity for further  
5 investigation or discovery; or

6 (E) the denials of factual contentions are not  
7 warranted on the evidence, or if specifically so  
8 identified, are not reasonably based on a lack of  
9 information or belief.

10 (2) "Lawsuit" means a motion pursuant to Section 116-3  
11 of the Code of Criminal Procedure of 1963, a habeas corpus  
12 action under Article X of the Code of Civil Procedure or  
13 under federal law (28 U.S.C. 2254), a petition for claim  
14 under the Court of Claims Act, an action under the federal  
15 Civil Rights Act (42 U.S.C. 1983), or a second or  
16 subsequent petition for post-conviction relief under  
17 Article 122 of the Code of Criminal Procedure of 1963  
18 whether filed with or without leave of court or a second or  
19 subsequent petition for relief from judgment under Section  
20 2-1401 of the Code of Civil Procedure.

21 (e) Nothing in Public Act 90-592 or 90-593 affects the  
22 validity of Public Act 89-404.

23 (f) Whenever the Department is to release any inmate who  
24 has been convicted of a violation of an order of protection  
25 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
26 the Criminal Code of 2012, earlier than it otherwise would

1 because of a grant of sentence credit, the Department, as a  
2 condition of release, shall require that the person, upon  
3 release, be placed under electronic surveillance as provided in  
4 Section 5-8A-7 of this Code.

5 (g) The changes made to this Section by this amendatory Act  
6 of the 101st General Assembly apply to prisoners sentenced  
7 before the effective date of this amendatory Act of the 101st  
8 General Assembly for their serving sentences of imprisonment on  
9 or after the effective date of this amendatory Act of the 101st  
10 General Assembly and to prisoners sentenced on or after the  
11 effective date of this amendatory Act of the 101st General  
12 Assembly. Nothing in this amendatory Act of the 101st General  
13 Assembly shall be construed to permit the award of any  
14 additional sentence credit provided in this amendatory Act of  
15 the 101st General Assembly for any service of imprisonment  
16 before the effective date of this amendatory Act of the 101st  
17 General Assembly.

18 (Source: P.A. 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642,  
19 eff. 7-28-16; 99-938, eff. 1-1-18; 100-3, eff. 1-1-18; 100-575,  
20 eff. 1-8-18.)

21 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

22 Sec. 5-4-1. Sentencing hearing.

23 (a) Except when the death penalty is sought under hearing  
24 procedures otherwise specified, after a determination of  
25 guilt, a hearing shall be held to impose the sentence. However,

1 prior to the imposition of sentence on an individual being  
2 sentenced for an offense based upon a charge for a violation of  
3 Section 11-501 of the Illinois Vehicle Code or a similar  
4 provision of a local ordinance, the individual must undergo a  
5 professional evaluation to determine if an alcohol or other  
6 drug abuse problem exists and the extent of such a problem.  
7 Programs conducting these evaluations shall be licensed by the  
8 Department of Human Services. However, if the individual is not  
9 a resident of Illinois, the court may, in its discretion,  
10 accept an evaluation from a program in the state of such  
11 individual's residence. The court may in its sentencing order  
12 approve an eligible defendant for placement in a Department of  
13 Corrections impact incarceration program as provided in  
14 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing  
15 order recommend a defendant for placement in a Department of  
16 Corrections substance abuse treatment program as provided in  
17 paragraph (a) of subsection (1) of Section 3-2-2 conditioned  
18 upon the defendant being accepted in a program by the  
19 Department of Corrections. At the hearing the court shall:

20 (1) consider the evidence, if any, received upon the  
21 trial;

22 (2) consider any presentence reports;

23 (3) consider the financial impact of incarceration  
24 based on the financial impact statement filed with the  
25 clerk of the court by the Department of Corrections;

26 (4) consider evidence and information offered by the

1 parties in aggravation and mitigation;

2 (4.5) consider substance abuse treatment, eligibility  
3 screening, and an assessment, if any, of the defendant by  
4 an agent designated by the State of Illinois to provide  
5 assessment services for the Illinois courts;

6 (5) hear arguments as to sentencing alternatives;

7 (6) afford the defendant the opportunity to make a  
8 statement in his own behalf;

9 (7) afford the victim of a violent crime or a violation  
10 of Section 11-501 of the Illinois Vehicle Code, or a  
11 similar provision of a local ordinance, the opportunity to  
12 present an oral or written statement, as guaranteed by  
13 Article I, Section 8.1 of the Illinois Constitution and  
14 provided in Section 6 of the Rights of Crime Victims and  
15 Witnesses Act. The court shall allow a victim to make an  
16 oral statement if the victim is present in the courtroom  
17 and requests to make an oral or written statement. An oral  
18 or written statement includes the victim or a  
19 representative of the victim reading the written  
20 statement. The court may allow persons impacted by the  
21 crime who are not victims under subsection (a) of Section 3  
22 of the Rights of Crime Victims and Witnesses Act to present  
23 an oral or written statement. A victim and any person  
24 making an oral statement shall not be put under oath or  
25 subject to cross-examination. All statements offered under  
26 this paragraph (7) shall become part of the record of the

1 court. In this paragraph (7), "victim of a violent crime"  
2 means a person who is a victim of a violent crime for which  
3 the defendant has been convicted after a bench or jury  
4 trial or a person who is the victim of a violent crime with  
5 which the defendant was charged and the defendant has been  
6 convicted under a plea agreement of a crime that is not a  
7 violent crime as defined in subsection (c) of 3 of the  
8 Rights of Crime Victims and Witnesses Act;

9 (7.5) afford a qualified person affected by: (i) a  
10 violation of Section ~~405, 405.1, 405.2,~~ or 407 of the  
11 Illinois Controlled Substances Act or a violation of  
12 Section 55 ~~or Section 65~~ of the Methamphetamine Control and  
13 Community Protection Act; or (ii) a Class 4 felony  
14 violation of Section 11-14, 11-14.3 except as described in  
15 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,  
16 11-18.1, or 11-19 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, committed by the defendant the  
18 opportunity to make a statement concerning the impact on  
19 the qualified person and to offer evidence in aggravation  
20 or mitigation; provided that the statement and evidence  
21 offered in aggravation or mitigation shall first be  
22 prepared in writing in conjunction with the State's  
23 Attorney before it may be presented orally at the hearing.  
24 Sworn testimony offered by the qualified person is subject  
25 to the defendant's right to cross-examine. All statements  
26 and evidence offered under this paragraph (7.5) shall

1           become part of the record of the court. In this paragraph  
2           (7.5), "qualified person" means any person who: (i) lived  
3           or worked within the territorial jurisdiction where the  
4           offense took place when the offense took place; or (ii) is  
5           familiar with various public places within the territorial  
6           jurisdiction where the offense took place when the offense  
7           took place. "Qualified person" includes any peace officer  
8           or any member of any duly organized State, county, or  
9           municipal peace officer unit assigned to the territorial  
10          jurisdiction where the offense took place when the offense  
11          took place;

12           (8) in cases of reckless homicide afford the victim's  
13          spouse, guardians, parents or other immediate family  
14          members an opportunity to make oral statements;

15           (9) in cases involving a felony sex offense as defined  
16          under the Sex Offender Management Board Act, consider the  
17          results of the sex offender evaluation conducted pursuant  
18          to Section 5-3-2 of this Act; and

19           (10) make a finding of whether a motor vehicle was used  
20          in the commission of the offense for which the defendant is  
21          being sentenced.

22           (b) All sentences shall be imposed by the judge based upon  
23          his independent assessment of the elements specified above and  
24          any agreement as to sentence reached by the parties. The judge  
25          who presided at the trial or the judge who accepted the plea of  
26          guilty shall impose the sentence unless he is no longer sitting

1 as a judge in that court. Where the judge does not impose  
2 sentence at the same time on all defendants who are convicted  
3 as a result of being involved in the same offense, the  
4 defendant or the State's Attorney may advise the sentencing  
5 court of the disposition of any other defendants who have been  
6 sentenced.

7 (b-1) In imposing a sentence of imprisonment or periodic  
8 imprisonment for a Class 3 or Class 4 felony for which a  
9 sentence of probation or conditional discharge is an available  
10 sentence, if the defendant has no prior sentence of probation  
11 or conditional discharge and no prior conviction for a violent  
12 crime, the defendant shall not be sentenced to imprisonment  
13 before review and consideration of a presentence report and  
14 determination and explanation of why the particular evidence,  
15 information, factor in aggravation, factual finding, or other  
16 reasons support a sentencing determination that one or more of  
17 the factors under subsection (a) of Section 5-6-1 of this Code  
18 apply and that probation or conditional discharge is not an  
19 appropriate sentence.

20 (c) In imposing a sentence for a violent crime or for an  
21 offense of operating or being in physical control of a vehicle  
22 while under the influence of alcohol, any other drug or any  
23 combination thereof, or a similar provision of a local  
24 ordinance, when such offense resulted in the personal injury to  
25 someone other than the defendant, the trial judge shall specify  
26 on the record the particular evidence, information, factors in

1 mitigation and aggravation or other reasons that led to his  
2 sentencing determination. The full verbatim record of the  
3 sentencing hearing shall be filed with the clerk of the court  
4 and shall be a public record.

5 (c-1) In imposing a sentence for the offense of aggravated  
6 kidnapping for ransom, home invasion, armed robbery,  
7 aggravated vehicular hijacking, aggravated discharge of a  
8 firearm, or armed violence with a category I weapon or category  
9 II weapon, the trial judge shall make a finding as to whether  
10 the conduct leading to conviction for the offense resulted in  
11 great bodily harm to a victim, and shall enter that finding and  
12 the basis for that finding in the record.

13 (c-2) If the defendant is sentenced to prison, other than  
14 when a sentence of natural life imprisonment or a sentence of  
15 death is imposed, at the time the sentence is imposed the judge  
16 shall state on the record in open court the approximate period  
17 of time the defendant will serve in custody according to the  
18 then current statutory rules and regulations for sentence  
19 credit found in Section 3-6-3 and other related provisions of  
20 this Code. This statement is intended solely to inform the  
21 public, has no legal effect on the defendant's actual release,  
22 and may not be relied on by the defendant on appeal.

23 The judge's statement, to be given after pronouncing the  
24 sentence, other than when the sentence is imposed for one of  
25 the offenses enumerated in paragraph (a) (4) of Section 3-6-3,  
26 shall include the following:

1           "The purpose of this statement is to inform the public of  
2 the actual period of time this defendant is likely to spend in  
3 prison as a result of this sentence. The actual period of  
4 prison time served is determined by the statutes of Illinois as  
5 applied to this sentence by the Illinois Department of  
6 Corrections and the Illinois Prisoner Review Board. In this  
7 case, assuming the defendant receives all of his or her  
8 sentence credit, the period of estimated actual custody is ...  
9 years and ... months, less up to 180 days additional earned  
10 sentence credit. If the defendant, because of his or her own  
11 misconduct or failure to comply with the institutional  
12 regulations, does not receive those credits, the actual time  
13 served in prison will be longer. The defendant may also receive  
14 an additional one-half day sentence credit for each day of  
15 participation in vocational, industry, substance abuse, and  
16 educational programs as provided for by Illinois statute."

17           When the sentence is imposed for one of the offenses  
18 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
19 first degree murder, and the offense was committed on or after  
20 June 19, 1998, and when the sentence is imposed for reckless  
21 homicide as defined in subsection (e) of Section 9-3 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012 if the  
23 offense was committed on or after January 1, 1999, and when the  
24 sentence is imposed for aggravated driving under the influence  
25 of alcohol, other drug or drugs, or intoxicating compound or  
26 compounds, or any combination thereof as defined in

1 subparagraph (F) of paragraph (1) of subsection (d) of Section  
2 11-501 of the Illinois Vehicle Code, and when the sentence is  
3 imposed for aggravated arson if the offense was committed on or  
4 after July 27, 2001 (the effective date of Public Act 92-176),  
5 and when the sentence is imposed for aggravated driving under  
6 the influence of alcohol, other drug or drugs, or intoxicating  
7 compound or compounds, or any combination thereof as defined in  
8 subparagraph (C) of paragraph (1) of subsection (d) of Section  
9 11-501 of the Illinois Vehicle Code committed on or after  
10 January 1, 2011 (the effective date of Public Act 96-1230), the  
11 judge's statement, to be given after pronouncing the sentence,  
12 shall include the following:

13 "The purpose of this statement is to inform the public of  
14 the actual period of time this defendant is likely to spend in  
15 prison as a result of this sentence. The actual period of  
16 prison time served is determined by the statutes of Illinois as  
17 applied to this sentence by the Illinois Department of  
18 Corrections and the Illinois Prisoner Review Board. In this  
19 case, the defendant is entitled to no more than 4 1/2 days of  
20 sentence credit for each month of his or her sentence of  
21 imprisonment. Therefore, this defendant will serve at least 85%  
22 of his or her sentence. Assuming the defendant receives 4 1/2  
23 days credit for each month of his or her sentence, the period  
24 of estimated actual custody is ... years and ... months. If the  
25 defendant, because of his or her own misconduct or failure to  
26 comply with the institutional regulations receives lesser

1 credit, the actual time served in prison will be longer."

2 When a sentence of imprisonment is imposed for first degree  
3 murder and the offense was committed on or after June 19, 1998,  
4 the judge's statement, to be given after pronouncing the  
5 sentence, shall include the following:

6 "The purpose of this statement is to inform the public of  
7 the actual period of time this defendant is likely to spend in  
8 prison as a result of this sentence. The actual period of  
9 prison time served is determined by the statutes of Illinois as  
10 applied to this sentence by the Illinois Department of  
11 Corrections and the Illinois Prisoner Review Board. In this  
12 case, the defendant is not entitled to sentence credit.  
13 Therefore, this defendant will serve 100% of his or her  
14 sentence."

15 When the sentencing order recommends placement in a  
16 substance abuse program for any offense that results in  
17 incarceration in a Department of Corrections facility and the  
18 crime was committed on or after September 1, 2003 (the  
19 effective date of Public Act 93-354), the judge's statement, in  
20 addition to any other judge's statement required under this  
21 Section, to be given after pronouncing the sentence, shall  
22 include the following:

23 "The purpose of this statement is to inform the public of  
24 the actual period of time this defendant is likely to spend in  
25 prison as a result of this sentence. The actual period of  
26 prison time served is determined by the statutes of Illinois as

1 applied to this sentence by the Illinois Department of  
2 Corrections and the Illinois Prisoner Review Board. In this  
3 case, the defendant shall receive no earned sentence credit  
4 under clause (3) of subsection (a) of Section 3-6-3 until he or  
5 she participates in and completes a substance abuse treatment  
6 program or receives a waiver from the Director of Corrections  
7 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

8 (c-4) Before the sentencing hearing and as part of the  
9 presentence investigation under Section 5-3-1, the court shall  
10 inquire of the defendant whether the defendant is currently  
11 serving in or is a veteran of the Armed Forces of the United  
12 States. If the defendant is currently serving in the Armed  
13 Forces of the United States or is a veteran of the Armed Forces  
14 of the United States and has been diagnosed as having a mental  
15 illness by a qualified psychiatrist or clinical psychologist or  
16 physician, the court may:

17 (1) order that the officer preparing the presentence  
18 report consult with the United States Department of  
19 Veterans Affairs, Illinois Department of Veterans'  
20 Affairs, or another agency or person with suitable  
21 knowledge or experience for the purpose of providing the  
22 court with information regarding treatment options  
23 available to the defendant, including federal, State, and  
24 local programming; and

25 (2) consider the treatment recommendations of any  
26 diagnosing or treating mental health professionals

1 together with the treatment options available to the  
2 defendant in imposing sentence.

3 For the purposes of this subsection (c-4), "qualified  
4 psychiatrist" means a reputable physician licensed in Illinois  
5 to practice medicine in all its branches, who has specialized  
6 in the diagnosis and treatment of mental and nervous disorders  
7 for a period of not less than 5 years.

8 (c-6) In imposing a sentence, the trial judge shall  
9 specify, on the record, the particular evidence and other  
10 reasons which led to his or her determination that a motor  
11 vehicle was used in the commission of the offense.

12 (c-7) In imposing a sentence for a Class 3 or 4 felony,  
13 other than a violent crime as defined in Section 3 of the  
14 Rights of Crime Victims and Witnesses Act, the court shall  
15 determine and indicate in the sentencing order whether the  
16 defendant has 4 or more or fewer than 4 months remaining on his  
17 or her sentence accounting for time served.

18 (d) When the defendant is committed to the Department of  
19 Corrections, the State's Attorney shall and counsel for the  
20 defendant may file a statement with the clerk of the court to  
21 be transmitted to the department, agency or institution to  
22 which the defendant is committed to furnish such department,  
23 agency or institution with the facts and circumstances of the  
24 offense for which the person was committed together with all  
25 other factual information accessible to them in regard to the  
26 person prior to his commitment relative to his habits,

1 associates, disposition and reputation and any other facts and  
2 circumstances which may aid such department, agency or  
3 institution during its custody of such person. The clerk shall  
4 within 10 days after receiving any such statements transmit a  
5 copy to such department, agency or institution and a copy to  
6 the other party, provided, however, that this shall not be  
7 cause for delay in conveying the person to the department,  
8 agency or institution to which he has been committed.

9 (e) The clerk of the court shall transmit to the  
10 department, agency or institution, if any, to which the  
11 defendant is committed, the following:

12 (1) the sentence imposed;

13 (2) any statement by the court of the basis for  
14 imposing the sentence;

15 (3) any presentence reports;

16 (3.5) any sex offender evaluations;

17 (3.6) any substance abuse treatment eligibility  
18 screening and assessment of the defendant by an agent  
19 designated by the State of Illinois to provide assessment  
20 services for the Illinois courts;

21 (4) the number of days, if any, which the defendant has  
22 been in custody and for which he is entitled to credit  
23 against the sentence, which information shall be provided  
24 to the clerk by the sheriff;

25 (4.1) any finding of great bodily harm made by the  
26 court with respect to an offense enumerated in subsection

1 (c-1);

2 (5) all statements filed under subsection (d) of this  
3 Section;

4 (6) any medical or mental health records or summaries  
5 of the defendant;

6 (7) the municipality where the arrest of the offender  
7 or the commission of the offense has occurred, where such  
8 municipality has a population of more than 25,000 persons;

9 (8) all statements made and evidence offered under  
10 paragraph (7) of subsection (a) of this Section; and

11 (9) all additional matters which the court directs the  
12 clerk to transmit.

13 (f) In cases in which the court finds that a motor vehicle  
14 was used in the commission of the offense for which the  
15 defendant is being sentenced, the clerk of the court shall,  
16 within 5 days thereafter, forward a report of such conviction  
17 to the Secretary of State.

18 (Source: P.A. 99-861, eff. 1-1-17; 99-938, eff. 1-1-18;  
19 100-961, eff. 1-1-19; revised 10-3-18.)

20 (730 ILCS 5/5-4.5-95)

21 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

22 (a) HABITUAL CRIMINALS.

23 (1) Every person who has been twice convicted in any  
24 state or federal court of an offense that contains the same  
25 elements as an offense now (the date of the offense

1 committed after the 2 prior convictions) classified in  
2 Illinois as a Class X felony, criminal sexual assault,  
3 aggravated kidnapping, or first degree murder, and who is  
4 thereafter convicted of a Class X felony, criminal sexual  
5 assault, or first degree murder, committed after the 2  
6 prior convictions, shall be adjudged an habitual criminal.

7 (2) The 2 prior convictions need not have been for the  
8 same offense.

9 (3) Any convictions that result from or are connected  
10 with the same transaction, or result from offenses  
11 committed at the same time, shall be counted for the  
12 purposes of this Section as one conviction.

13 (4) This Section does not apply unless each of the  
14 following requirements are satisfied:

15 (A) The third offense was committed after July 3,  
16 1980.

17 (B) The third offense was committed within 20 years  
18 of the date that judgment was entered on the first  
19 conviction; provided, however, that time spent in  
20 custody shall not be counted.

21 (C) The third offense was committed after  
22 conviction on the second offense.

23 (D) The second offense was committed after  
24 conviction on the first offense.

25 (5) Anyone who, having attained the age of 18 at the  
26 time of the third offense, is adjudged an habitual criminal

1 shall be sentenced to a term of natural life imprisonment.

2 (6) A prior conviction shall not be alleged in the  
3 indictment, and no evidence or other disclosure of that  
4 conviction shall be presented to the court or the jury  
5 during the trial of an offense set forth in this Section  
6 unless otherwise permitted by the issues properly raised in  
7 that trial. After a plea or verdict or finding of guilty  
8 and before sentence is imposed, the prosecutor may file  
9 with the court a verified written statement signed by the  
10 State's Attorney concerning any former conviction of an  
11 offense set forth in this Section rendered against the  
12 defendant. The court shall then cause the defendant to be  
13 brought before it; shall inform the defendant of the  
14 allegations of the statement so filed, and of his or her  
15 right to a hearing before the court on the issue of that  
16 former conviction and of his or her right to counsel at  
17 that hearing; and unless the defendant admits such  
18 conviction, shall hear and determine the issue, and shall  
19 make a written finding thereon. If a sentence has  
20 previously been imposed, the court may vacate that sentence  
21 and impose a new sentence in accordance with this Section.

22 (7) A duly authenticated copy of the record of any  
23 alleged former conviction of an offense set forth in this  
24 Section shall be prima facie evidence of that former  
25 conviction; and a duly authenticated copy of the record of  
26 the defendant's final release or discharge from probation

1 granted, or from sentence and parole supervision (if any)  
2 imposed pursuant to that former conviction, shall be prima  
3 facie evidence of that release or discharge.

4 (8) Any claim that a previous conviction offered by the  
5 prosecution is not a former conviction of an offense set  
6 forth in this Section because of the existence of any  
7 exceptions described in this Section, is waived unless duly  
8 raised at the hearing on that conviction, or unless the  
9 prosecution's proof shows the existence of the exceptions  
10 described in this Section.

11 (9) If the person so convicted shows to the  
12 satisfaction of the court before whom that conviction was  
13 had that he or she was released from imprisonment, upon  
14 either of the sentences upon a pardon granted for the  
15 reason that he or she was innocent, that conviction and  
16 sentence shall not be considered under this Section.

17 (10) This subsection (a) does not apply to a violation  
18 of the Cannabis Control Act, the Illinois Controlled  
19 Substances Act, or the Methamphetamine Control and  
20 Community Protection Act.

21 (b) When a defendant, over the age of 21 years, is  
22 convicted of a Class 1 or Class 2 felony that is a forcible  
23 felony as defined in Section 2-8 of the Criminal Code of 2012,  
24 except for an offense listed in subsection (c) of this Section,  
25 after having twice been convicted in any state or federal court  
26 of an offense that contains the same elements as an offense now

1 (the date the Class 1 or Class 2 forcible felony was committed)  
2 classified in Illinois as a Class 2 or greater Class felony  
3 that is a forcible felony as defined in Section 2-8 of the  
4 Criminal Code of 2012, except for an offense listed in  
5 subsection (c) of this Section, and those charges are  
6 separately brought and tried and arise out of different series  
7 of acts, that defendant shall be sentenced as a Class X  
8 offender. This subsection does not apply unless:

9 (1) the first felony was committed after February 1,  
10 1978 (the effective date of Public Act 80-1099);

11 (2) the second felony was committed after conviction on  
12 the first; and

13 (3) the third felony was committed after conviction on  
14 the second.

15 This subsection (b) does not apply to a violation of the  
16 Cannabis Control Act, the Illinois Controlled Substances Act,  
17 or the Methamphetamine Control and Community Protection Act.

18 (c) Subsection (b) of this Section does not apply to Class  
19 1 or Class 2 felony convictions for a violation of Section 16-1  
20 of the Criminal Code of 2012.

21 A person sentenced as a Class X offender under this  
22 subsection (b) is not eligible to apply for treatment as a  
23 condition of probation as provided by Section 40-10 of the  
24 Substance Use Disorder Act (20 ILCS 301/40-10).

25 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,  
26 eff. 1-1-19.)

1 (730 ILCS 5/5-5-3)

2 (Text of Section before amendment by P.A. 100-987)

3 Sec. 5-5-3. Disposition.

4 (a) (Blank).

5 (b) (Blank).

6 (c) (1) (Blank).

7 (2) A period of probation, a term of periodic imprisonment  
8 or conditional discharge shall not be imposed for the following  
9 offenses. The court shall sentence the offender to not less  
10 than the minimum term of imprisonment set forth in this Code  
11 for the following offenses, and may order a fine or restitution  
12 or both in conjunction with such term of imprisonment:

13 (A) First degree murder where the death penalty is not  
14 imposed.

15 (B) Attempted first degree murder.

16 (C) A Class X felony.

17 (D) A violation of Section 401.1 or 407 of the Illinois  
18 Controlled Substances Act, or a violation of subdivision  
19 (c)(1.5) of Section 401 of that Act which relates to more  
20 than 5 grams of a substance containing fentanyl or an  
21 analog thereof.

22 (D-5) A violation of subdivision (c)(1) of Section 401  
23 of the Illinois Controlled Substances Act which relates to  
24 3 or more grams of a substance containing heroin or an  
25 analog thereof.

1 (E) (Blank).

2 (F) A Class 1 or greater felony if the offender had  
3 been convicted of a Class 1 or greater felony, including  
4 any state or federal conviction for an offense that  
5 contained, at the time it was committed, the same elements  
6 as an offense now (the date of the offense committed after  
7 the prior Class 1 or greater felony) classified as a Class  
8 1 or greater felony, within 10 years of the date on which  
9 the offender committed the offense for which he or she is  
10 being sentenced, except as otherwise provided in Section  
11 40-10 of the Substance Use Disorder Act.

12 (F-3) A Class 2 or greater felony sex offense or felony  
13 firearm offense if the offender had been convicted of a  
14 Class 2 or greater felony, including any state or federal  
15 conviction for an offense that contained, at the time it  
16 was committed, the same elements as an offense now (the  
17 date of the offense committed after the prior Class 2 or  
18 greater felony) classified as a Class 2 or greater felony,  
19 within 10 years of the date on which the offender committed  
20 the offense for which he or she is being sentenced, except  
21 as otherwise provided in Section 40-10 of the Substance Use  
22 Disorder Act.

23 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of  
24 the Criminal Code of 1961 or the Criminal Code of 2012 for  
25 which imprisonment is prescribed in those Sections.

26 (G) Residential burglary, except as otherwise provided

1 in Section 40-10 of the Substance Use Disorder Act.

2 (H) Criminal sexual assault.

3 (I) Aggravated battery of a senior citizen as described  
4 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05  
5 of the Criminal Code of 1961 or the Criminal Code of 2012.

6 (J) A forcible felony if the offense was related to the  
7 activities of an organized gang.

8 Before July 1, 1994, for the purposes of this  
9 paragraph, "organized gang" means an association of 5 or  
10 more persons, with an established hierarchy, that  
11 encourages members of the association to perpetrate crimes  
12 or provides support to the members of the association who  
13 do commit crimes.

14 Beginning July 1, 1994, for the purposes of this  
15 paragraph, "organized gang" has the meaning ascribed to it  
16 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
17 Prevention Act.

18 (K) Vehicular hijacking.

19 (L) A second or subsequent conviction for the offense  
20 of hate crime when the underlying offense upon which the  
21 hate crime is based is felony aggravated assault or felony  
22 mob action.

23 (M) A second or subsequent conviction for the offense  
24 of institutional vandalism if the damage to the property  
25 exceeds \$300.

26 (N) A Class 3 felony violation of paragraph (1) of

1 subsection (a) of Section 2 of the Firearm Owners  
2 Identification Card Act.

3 (O) A violation of Section 12-6.1 or 12-6.5 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012.

5 (P) A violation of paragraph (1), (2), (3), (4), (5),  
6 or (7) of subsection (a) of Section 11-20.1 of the Criminal  
7 Code of 1961 or the Criminal Code of 2012.

8 (Q) A violation of subsection (b) or (b-5) of Section  
9 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
10 Code of 1961 or the Criminal Code of 2012.

11 (R) A violation of Section 24-3A of the Criminal Code  
12 of 1961 or the Criminal Code of 2012.

13 (S) (Blank).

14 (T) (Blank).

15 (U) A second or subsequent violation of Section 6-303  
16 of the Illinois Vehicle Code committed while his or her  
17 driver's license, permit, or privilege was revoked because  
18 of a violation of Section 9-3 of the Criminal Code of 1961  
19 or the Criminal Code of 2012, relating to the offense of  
20 reckless homicide, or a similar provision of a law of  
21 another state.

22 (V) A violation of paragraph (4) of subsection (c) of  
23 Section 11-20.1B or paragraph (4) of subsection (c) of  
24 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
25 (6) of subsection (a) of Section 11-20.1 of the Criminal  
26 Code of 2012 when the victim is under 13 years of age and

1 the defendant has previously been convicted under the laws  
2 of this State or any other state of the offense of child  
3 pornography, aggravated child pornography, aggravated  
4 criminal sexual abuse, aggravated criminal sexual assault,  
5 predatory criminal sexual assault of a child, or any of the  
6 offenses formerly known as rape, deviate sexual assault,  
7 indecent liberties with a child, or aggravated indecent  
8 liberties with a child where the victim was under the age  
9 of 18 years or an offense that is substantially equivalent  
10 to those offenses.

11 (W) A violation of Section 24-3.5 of the Criminal Code  
12 of 1961 or the Criminal Code of 2012.

13 (X) A violation of subsection (a) of Section 31-1a of  
14 the Criminal Code of 1961 or the Criminal Code of 2012.

15 (Y) A conviction for unlawful possession of a firearm  
16 by a street gang member when the firearm was loaded or  
17 contained firearm ammunition.

18 (Z) A Class 1 felony committed while he or she was  
19 serving a term of probation or conditional discharge for a  
20 felony.

21 (AA) Theft of property exceeding \$500,000 and not  
22 exceeding \$1,000,000 in value.

23 (BB) Laundering of criminally derived property of a  
24 value exceeding \$500,000.

25 (CC) Knowingly selling, offering for sale, holding for  
26 sale, or using 2,000 or more counterfeit items or

1 counterfeit items having a retail value in the aggregate of  
2 \$500,000 or more.

3 (DD) A conviction for aggravated assault under  
4 paragraph (6) of subsection (c) of Section 12-2 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012 if the  
6 firearm is aimed toward the person against whom the firearm  
7 is being used.

8 (EE) A conviction for a violation of paragraph (2) of  
9 subsection (a) of Section 24-3B of the Criminal Code of  
10 2012.

11 (3) (Blank).

12 (4) A minimum term of imprisonment of not less than 10  
13 consecutive days or 30 days of community service shall be  
14 imposed for a violation of paragraph (c) of Section 6-303 of  
15 the Illinois Vehicle Code.

16 (4.1) (Blank).

17 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
18 this subsection (c), a minimum of 100 hours of community  
19 service shall be imposed for a second violation of Section  
20 6-303 of the Illinois Vehicle Code.

21 (4.3) A minimum term of imprisonment of 30 days or 300  
22 hours of community service, as determined by the court, shall  
23 be imposed for a second violation of subsection (c) of Section  
24 6-303 of the Illinois Vehicle Code.

25 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
26 (4.9) of this subsection (c), a minimum term of imprisonment of

1 30 days or 300 hours of community service, as determined by the  
2 court, shall be imposed for a third or subsequent violation of  
3 Section 6-303 of the Illinois Vehicle Code. The court may give  
4 credit toward the fulfillment of community service hours for  
5 participation in activities and treatment as determined by  
6 court services.

7 (4.5) A minimum term of imprisonment of 30 days shall be  
8 imposed for a third violation of subsection (c) of Section  
9 6-303 of the Illinois Vehicle Code.

10 (4.6) Except as provided in paragraph (4.10) of this  
11 subsection (c), a minimum term of imprisonment of 180 days  
12 shall be imposed for a fourth or subsequent violation of  
13 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

14 (4.7) A minimum term of imprisonment of not less than 30  
15 consecutive days, or 300 hours of community service, shall be  
16 imposed for a violation of subsection (a-5) of Section 6-303 of  
17 the Illinois Vehicle Code, as provided in subsection (b-5) of  
18 that Section.

19 (4.8) A mandatory prison sentence shall be imposed for a  
20 second violation of subsection (a-5) of Section 6-303 of the  
21 Illinois Vehicle Code, as provided in subsection (c-5) of that  
22 Section. The person's driving privileges shall be revoked for a  
23 period of not less than 5 years from the date of his or her  
24 release from prison.

25 (4.9) A mandatory prison sentence of not less than 4 and  
26 not more than 15 years shall be imposed for a third violation

1 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
2 Code, as provided in subsection (d-2.5) of that Section. The  
3 person's driving privileges shall be revoked for the remainder  
4 of his or her life.

5 (4.10) A mandatory prison sentence for a Class 1 felony  
6 shall be imposed, and the person shall be eligible for an  
7 extended term sentence, for a fourth or subsequent violation of  
8 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
9 as provided in subsection (d-3.5) of that Section. The person's  
10 driving privileges shall be revoked for the remainder of his or  
11 her life.

12 (5) The court may sentence a corporation or unincorporated  
13 association convicted of any offense to:

14 (A) a period of conditional discharge;

15 (B) a fine;

16 (C) make restitution to the victim under Section 5-5-6  
17 of this Code.

18 (5.1) In addition to any other penalties imposed, and  
19 except as provided in paragraph (5.2) or (5.3), a person  
20 convicted of violating subsection (c) of Section 11-907 of the  
21 Illinois Vehicle Code shall have his or her driver's license,  
22 permit, or privileges suspended for at least 90 days but not  
23 more than one year, if the violation resulted in damage to the  
24 property of another person.

25 (5.2) In addition to any other penalties imposed, and  
26 except as provided in paragraph (5.3), a person convicted of

1 violating subsection (c) of Section 11-907 of the Illinois  
2 Vehicle Code shall have his or her driver's license, permit, or  
3 privileges suspended for at least 180 days but not more than 2  
4 years, if the violation resulted in injury to another person.

5 (5.3) In addition to any other penalties imposed, a person  
6 convicted of violating subsection (c) of Section 11-907 of the  
7 Illinois Vehicle Code shall have his or her driver's license,  
8 permit, or privileges suspended for 2 years, if the violation  
9 resulted in the death of another person.

10 (5.4) In addition to any other penalties imposed, a person  
11 convicted of violating Section 3-707 of the Illinois Vehicle  
12 Code shall have his or her driver's license, permit, or  
13 privileges suspended for 3 months and until he or she has paid  
14 a reinstatement fee of \$100.

15 (5.5) In addition to any other penalties imposed, a person  
16 convicted of violating Section 3-707 of the Illinois Vehicle  
17 Code during a period in which his or her driver's license,  
18 permit, or privileges were suspended for a previous violation  
19 of that Section shall have his or her driver's license, permit,  
20 or privileges suspended for an additional 6 months after the  
21 expiration of the original 3-month suspension and until he or  
22 she has paid a reinstatement fee of \$100.

23 (6) (Blank).

24 (7) (Blank).

25 (8) (Blank).

26 (9) A defendant convicted of a second or subsequent offense

1 of ritualized abuse of a child may be sentenced to a term of  
2 natural life imprisonment.

3 (10) (Blank).

4 (11) The court shall impose a minimum fine of \$1,000 for a  
5 first offense and \$2,000 for a second or subsequent offense  
6 upon a person convicted of or placed on supervision for battery  
7 when the individual harmed was a sports official or coach at  
8 any level of competition and the act causing harm to the sports  
9 official or coach occurred within an athletic facility or  
10 within the immediate vicinity of the athletic facility at which  
11 the sports official or coach was an active participant of the  
12 athletic contest held at the athletic facility. For the  
13 purposes of this paragraph (11), "sports official" means a  
14 person at an athletic contest who enforces the rules of the  
15 contest, such as an umpire or referee; "athletic facility"  
16 means an indoor or outdoor playing field or recreational area  
17 where sports activities are conducted; and "coach" means a  
18 person recognized as a coach by the sanctioning authority that  
19 conducted the sporting event.

20 (12) A person may not receive a disposition of court  
21 supervision for a violation of Section 5-16 of the Boat  
22 Registration and Safety Act if that person has previously  
23 received a disposition of court supervision for a violation of  
24 that Section.

25 (13) A person convicted of or placed on court supervision  
26 for an assault or aggravated assault when the victim and the

1 offender are family or household members as defined in Section  
2 103 of the Illinois Domestic Violence Act of 1986 or convicted  
3 of domestic battery or aggravated domestic battery may be  
4 required to attend a Partner Abuse Intervention Program under  
5 protocols set forth by the Illinois Department of Human  
6 Services under such terms and conditions imposed by the court.  
7 The costs of such classes shall be paid by the offender.

8 (d) In any case in which a sentence originally imposed is  
9 vacated, the case shall be remanded to the trial court. The  
10 trial court shall hold a hearing under Section 5-4-1 of this  
11 ~~the Unified Code of Corrections~~ which may include evidence of  
12 the defendant's life, moral character and occupation during the  
13 time since the original sentence was passed. The trial court  
14 shall then impose sentence upon the defendant. The trial court  
15 may impose any sentence which could have been imposed at the  
16 original trial subject to Section 5-5-4 of this ~~the Unified~~  
17 ~~Code of Corrections~~. If a sentence is vacated on appeal or on  
18 collateral attack due to the failure of the trier of fact at  
19 trial to determine beyond a reasonable doubt the existence of a  
20 fact (other than a prior conviction) necessary to increase the  
21 punishment for the offense beyond the statutory maximum  
22 otherwise applicable, either the defendant may be re-sentenced  
23 to a term within the range otherwise provided or, if the State  
24 files notice of its intention to again seek the extended  
25 sentence, the defendant shall be afforded a new trial.

26 (e) In cases where prosecution for aggravated criminal

1 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012 results in conviction  
3 of a defendant who was a family member of the victim at the  
4 time of the commission of the offense, the court shall consider  
5 the safety and welfare of the victim and may impose a sentence  
6 of probation only where:

7 (1) the court finds (A) or (B) or both are appropriate:

8 (A) the defendant is willing to undergo a court  
9 approved counseling program for a minimum duration of 2  
10 years; or

11 (B) the defendant is willing to participate in a  
12 court approved plan including but not limited to the  
13 defendant's:

14 (i) removal from the household;

15 (ii) restricted contact with the victim;

16 (iii) continued financial support of the  
17 family;

18 (iv) restitution for harm done to the victim;

19 and

20 (v) compliance with any other measures that  
21 the court may deem appropriate; and

22 (2) the court orders the defendant to pay for the  
23 victim's counseling services, to the extent that the court  
24 finds, after considering the defendant's income and  
25 assets, that the defendant is financially capable of paying  
26 for such services, if the victim was under 18 years of age

1 at the time the offense was committed and requires  
2 counseling as a result of the offense.

3 Probation may be revoked or modified pursuant to Section  
4 5-6-4; except where the court determines at the hearing that  
5 the defendant violated a condition of his or her probation  
6 restricting contact with the victim or other family members or  
7 commits another offense with the victim or other family  
8 members, the court shall revoke the defendant's probation and  
9 impose a term of imprisonment.

10 For the purposes of this Section, "family member" and  
11 "victim" shall have the meanings ascribed to them in Section  
12 11-0.1 of the Criminal Code of 2012.

13 (f) (Blank).

14 (g) Whenever a defendant is convicted of an offense under  
15 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
16 11-14.3, 11-14.4 except for an offense that involves keeping a  
17 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
18 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
19 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, the defendant shall undergo medical  
21 testing to determine whether the defendant has any sexually  
22 transmissible disease, including a test for infection with  
23 human immunodeficiency virus (HIV) or any other identified  
24 causative agent of acquired immunodeficiency syndrome (AIDS).  
25 Any such medical test shall be performed only by appropriately  
26 licensed medical practitioners and may include an analysis of

1 any bodily fluids as well as an examination of the defendant's  
2 person. Except as otherwise provided by law, the results of  
3 such test shall be kept strictly confidential by all medical  
4 personnel involved in the testing and must be personally  
5 delivered in a sealed envelope to the judge of the court in  
6 which the conviction was entered for the judge's inspection in  
7 camera. Acting in accordance with the best interests of the  
8 victim and the public, the judge shall have the discretion to  
9 determine to whom, if anyone, the results of the testing may be  
10 revealed. The court shall notify the defendant of the test  
11 results. The court shall also notify the victim if requested by  
12 the victim, and if the victim is under the age of 15 and if  
13 requested by the victim's parents or legal guardian, the court  
14 shall notify the victim's parents or legal guardian of the test  
15 results. The court shall provide information on the  
16 availability of HIV testing and counseling at Department of  
17 Public Health facilities to all parties to whom the results of  
18 the testing are revealed and shall direct the State's Attorney  
19 to provide the information to the victim when possible. A  
20 State's Attorney may petition the court to obtain the results  
21 of any HIV test administered under this Section, and the court  
22 shall grant the disclosure if the State's Attorney shows it is  
23 relevant in order to prosecute a charge of criminal  
24 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012 against the  
26 defendant. The court shall order that the cost of any such test

1 shall be paid by the county and may be taxed as costs against  
2 the convicted defendant.

3 (g-5) When an inmate is tested for an airborne communicable  
4 disease, as determined by the Illinois Department of Public  
5 Health including but not limited to tuberculosis, the results  
6 of the test shall be personally delivered by the warden or his  
7 or her designee in a sealed envelope to the judge of the court  
8 in which the inmate must appear for the judge's inspection in  
9 camera if requested by the judge. Acting in accordance with the  
10 best interests of those in the courtroom, the judge shall have  
11 the discretion to determine what if any precautions need to be  
12 taken to prevent transmission of the disease in the courtroom.

13 (h) Whenever a defendant is convicted of an offense under  
14 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
15 defendant shall undergo medical testing to determine whether  
16 the defendant has been exposed to human immunodeficiency virus  
17 (HIV) or any other identified causative agent of acquired  
18 immunodeficiency syndrome (AIDS). Except as otherwise provided  
19 by law, the results of such test shall be kept strictly  
20 confidential by all medical personnel involved in the testing  
21 and must be personally delivered in a sealed envelope to the  
22 judge of the court in which the conviction was entered for the  
23 judge's inspection in camera. Acting in accordance with the  
24 best interests of the public, the judge shall have the  
25 discretion to determine to whom, if anyone, the results of the  
26 testing may be revealed. The court shall notify the defendant

1 of a positive test showing an infection with the human  
2 immunodeficiency virus (HIV). The court shall provide  
3 information on the availability of HIV testing and counseling  
4 at Department of Public Health facilities to all parties to  
5 whom the results of the testing are revealed and shall direct  
6 the State's Attorney to provide the information to the victim  
7 when possible. A State's Attorney may petition the court to  
8 obtain the results of any HIV test administered under this  
9 Section, and the court shall grant the disclosure if the  
10 State's Attorney shows it is relevant in order to prosecute a  
11 charge of criminal transmission of HIV under Section 12-5.01 or  
12 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
13 2012 against the defendant. The court shall order that the cost  
14 of any such test shall be paid by the county and may be taxed as  
15 costs against the convicted defendant.

16 (i) All fines and penalties imposed under this Section for  
17 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
18 Vehicle Code, or a similar provision of a local ordinance, and  
19 any violation of the Child Passenger Protection Act, or a  
20 similar provision of a local ordinance, shall be collected and  
21 disbursed by the circuit clerk as provided under Section 27.5  
22 of the Clerks of Courts Act.

23 (j) In cases when prosecution for any violation of Section  
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
25 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
26 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,

1 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
2 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
3 Code of 2012, any violation of the Illinois Controlled  
4 Substances Act, any violation of the Cannabis Control Act, or  
5 any violation of the Methamphetamine Control and Community  
6 Protection Act results in conviction, a disposition of court  
7 supervision, or an order of probation granted under Section 10  
8 of the Cannabis Control Act, Section 410 of the Illinois  
9 Controlled Substances Act, or Section 70 of the Methamphetamine  
10 Control and Community Protection Act of a defendant, the court  
11 shall determine whether the defendant is employed by a facility  
12 or center as defined under the Child Care Act of 1969, a public  
13 or private elementary or secondary school, or otherwise works  
14 with children under 18 years of age on a daily basis. When a  
15 defendant is so employed, the court shall order the Clerk of  
16 the Court to send a copy of the judgment of conviction or order  
17 of supervision or probation to the defendant's employer by  
18 certified mail. If the employer of the defendant is a school,  
19 the Clerk of the Court shall direct the mailing of a copy of  
20 the judgment of conviction or order of supervision or probation  
21 to the appropriate regional superintendent of schools. The  
22 regional superintendent of schools shall notify the State Board  
23 of Education of any notification under this subsection.

24 (j-5) A defendant at least 17 years of age who is convicted  
25 of a felony and who has not been previously convicted of a  
26 misdemeanor or felony and who is sentenced to a term of

1 imprisonment in the Illinois Department of Corrections shall as  
2 a condition of his or her sentence be required by the court to  
3 attend educational courses designed to prepare the defendant  
4 for a high school diploma and to work toward a high school  
5 diploma or to work toward passing high school equivalency  
6 testing or to work toward completing a vocational training  
7 program offered by the Department of Corrections. If a  
8 defendant fails to complete the educational training required  
9 by his or her sentence during the term of incarceration, the  
10 Prisoner Review Board shall, as a condition of mandatory  
11 supervised release, require the defendant, at his or her own  
12 expense, to pursue a course of study toward a high school  
13 diploma or passage of high school equivalency testing. The  
14 Prisoner Review Board shall revoke the mandatory supervised  
15 release of a defendant who wilfully fails to comply with this  
16 subsection (j-5) upon his or her release from confinement in a  
17 penal institution while serving a mandatory supervised release  
18 term; however, the inability of the defendant after making a  
19 good faith effort to obtain financial aid or pay for the  
20 educational training shall not be deemed a wilful failure to  
21 comply. The Prisoner Review Board shall recommit the defendant  
22 whose mandatory supervised release term has been revoked under  
23 this subsection (j-5) as provided in Section 3-3-9. This  
24 subsection (j-5) does not apply to a defendant who has a high  
25 school diploma or has successfully passed high school  
26 equivalency testing. This subsection (j-5) does not apply to a

1 defendant who is determined by the court to be a person with a  
2 developmental disability or otherwise mentally incapable of  
3 completing the educational or vocational program.

4 (k) (Blank).

5 (l) (A) Except as provided in paragraph (C) of subsection  
6 (1), whenever a defendant, who is an alien as defined by the  
7 Immigration and Nationality Act, is convicted of any felony or  
8 misdemeanor offense, the court after sentencing the defendant  
9 may, upon motion of the State's Attorney, hold sentence in  
10 abeyance and remand the defendant to the custody of the  
11 Attorney General of the United States or his or her designated  
12 agent to be deported when:

13 (1) a final order of deportation has been issued  
14 against the defendant pursuant to proceedings under the  
15 Immigration and Nationality Act, and

16 (2) the deportation of the defendant would not  
17 deprecate the seriousness of the defendant's conduct and  
18 would not be inconsistent with the ends of justice.

19 Otherwise, the defendant shall be sentenced as provided in  
20 this Chapter V.

21 (B) If the defendant has already been sentenced for a  
22 felony or misdemeanor offense, or has been placed on probation  
23 under Section 10 of the Cannabis Control Act, Section 410 of  
24 the Illinois Controlled Substances Act, or Section 70 of the  
25 Methamphetamine Control and Community Protection Act, the  
26 court may, upon motion of the State's Attorney to suspend the

1 sentence imposed, commit the defendant to the custody of the  
2 Attorney General of the United States or his or her designated  
3 agent when:

4 (1) a final order of deportation has been issued  
5 against the defendant pursuant to proceedings under the  
6 Immigration and Nationality Act, and

7 (2) the deportation of the defendant would not  
8 deprecate the seriousness of the defendant's conduct and  
9 would not be inconsistent with the ends of justice.

10 (C) This subsection (1) does not apply to offenders who are  
11 subject to the provisions of paragraph (2) of subsection (a) of  
12 Section 3-6-3.

13 (D) Upon motion of the State's Attorney, if a defendant  
14 sentenced under this Section returns to the jurisdiction of the  
15 United States, the defendant shall be recommitted to the  
16 custody of the county from which he or she was sentenced.  
17 Thereafter, the defendant shall be brought before the  
18 sentencing court, which may impose any sentence that was  
19 available under Section 5-5-3 at the time of initial  
20 sentencing. In addition, the defendant shall not be eligible  
21 for additional earned sentence credit as provided under Section  
22 3-6-3.

23 (m) A person convicted of criminal defacement of property  
24 under Section 21-1.3 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012, in which the property damage exceeds  
26 \$300 and the property damaged is a school building, shall be

1 ordered to perform community service that may include cleanup,  
2 removal, or painting over the defacement.

3 (n) The court may sentence a person convicted of a  
4 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
5 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
6 of 1961 or the Criminal Code of 2012 (i) to an impact  
7 incarceration program if the person is otherwise eligible for  
8 that program under Section 5-8-1.1, (ii) to community service,  
9 or (iii) if the person has a substance use disorder, as defined  
10 in the Substance Use Disorder Act, to a treatment program  
11 licensed under that Act.

12 (o) Whenever a person is convicted of a sex offense as  
13 defined in Section 2 of the Sex Offender Registration Act, the  
14 defendant's driver's license or permit shall be subject to  
15 renewal on an annual basis in accordance with the provisions of  
16 license renewal established by the Secretary of State.

17 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;  
18 99-938, eff. 1-1-18; 100-575, eff. 1-8-18; 100-759, eff.  
19 1-1-19; revised 10-12-18.)

20 (Text of Section after amendment by P.A. 100-987)

21 Sec. 5-5-3. Disposition.

22 (a) (Blank).

23 (b) (Blank).

24 (c) (1) (Blank).

25 (2) A period of probation, a term of periodic imprisonment

1 or conditional discharge shall not be imposed for the following  
2 offenses. The court shall sentence the offender to not less  
3 than the minimum term of imprisonment set forth in this Code  
4 for the following offenses, and may order a fine or restitution  
5 or both in conjunction with such term of imprisonment:

6 (A) First degree murder where the death penalty is not  
7 imposed.

8 (B) Attempted first degree murder.

9 (C) A Class X felony.

10 (D) (Blank). ~~A violation of Section 401.1 or 407 of the~~  
11 ~~Illinois Controlled Substances Act, or a violation of~~  
12 ~~subdivision (c)(1.5) of Section 401 of that Act which~~  
13 ~~relates to more than 5 grams of a substance containing~~  
14 ~~fentanyl or an analog thereof.~~

15 (D-5) (Blank). ~~A violation of subdivision (c)(1) of~~  
16 ~~Section 401 of the Illinois Controlled Substances Act which~~  
17 ~~relates to 3 or more grams of a substance containing heroin~~  
18 ~~or an analog thereof.~~

19 (E) (Blank).

20 (F) A Class 1 or greater felony if the offender had  
21 been convicted of a Class 1 or greater felony, including  
22 any state or federal conviction for an offense that  
23 contained, at the time it was committed, the same elements  
24 as an offense now (the date of the offense committed after  
25 the prior Class 1 or greater felony) classified as a Class  
26 1 or greater felony, within 10 years of the date on which

1 the offender committed the offense for which he or she is  
2 being sentenced, except as otherwise provided in Section  
3 40-10 of the Substance Use Disorder Act. This subparagraph  
4 (F) does not apply to a violation of the Cannabis Control  
5 Act, the Illinois Controlled Substances Act, or the  
6 Methamphetamine Control and Community Protection Act.

7 (F-3) A Class 2 or greater felony sex offense or felony  
8 firearm offense if the offender had been convicted of a  
9 Class 2 or greater felony, including any state or federal  
10 conviction for an offense that contained, at the time it  
11 was committed, the same elements as an offense now (the  
12 date of the offense committed after the prior Class 2 or  
13 greater felony) classified as a Class 2 or greater felony,  
14 within 10 years of the date on which the offender committed  
15 the offense for which he or she is being sentenced, except  
16 as otherwise provided in Section 40-10 of the Substance Use  
17 Disorder Act.

18 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of  
19 the Criminal Code of 1961 or the Criminal Code of 2012 for  
20 which imprisonment is prescribed in those Sections.

21 (G) (Blank). ~~Residential burglary, except as otherwise~~  
22 ~~provided in Section 40-10 of the Substance Use Disorder~~  
23 ~~Act.~~

24 (H) Criminal sexual assault.

25 (I) Aggravated battery of a senior citizen as described  
26 in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05

1 of the Criminal Code of 1961 or the Criminal Code of 2012.

2 (J) A forcible felony if the offense was related to the  
3 activities of an organized gang.

4 Before July 1, 1994, for the purposes of this  
5 paragraph, "organized gang" means an association of 5 or  
6 more persons, with an established hierarchy, that  
7 encourages members of the association to perpetrate crimes  
8 or provides support to the members of the association who  
9 do commit crimes.

10 Beginning July 1, 1994, for the purposes of this  
11 paragraph, "organized gang" has the meaning ascribed to it  
12 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
13 Prevention Act.

14 (K) Vehicular hijacking.

15 (L) A second or subsequent conviction for the offense  
16 of hate crime when the underlying offense upon which the  
17 hate crime is based is felony aggravated assault or felony  
18 mob action.

19 (M) A second or subsequent conviction for the offense  
20 of institutional vandalism if the damage to the property  
21 exceeds \$300.

22 (N) A Class 3 felony violation of paragraph (1) of  
23 subsection (a) of Section 2 of the Firearm Owners  
24 Identification Card Act.

25 (O) A violation of Section 12-6.1 or 12-6.5 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012.

1           (P) A violation of paragraph (1), (2), (3), (4), (5),  
2           or (7) of subsection (a) of Section 11-20.1 of the Criminal  
3           Code of 1961 or the Criminal Code of 2012.

4           (Q) A violation of subsection (b) or (b-5) of Section  
5           20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
6           Code of 1961 or the Criminal Code of 2012.

7           (R) A violation of Section 24-3A of the Criminal Code  
8           of 1961 or the Criminal Code of 2012.

9           (S) (Blank).

10          (T) (Blank).

11          (U) A second or subsequent violation of Section 6-303  
12          of the Illinois Vehicle Code committed while his or her  
13          driver's license, permit, or privilege was revoked because  
14          of a violation of Section 9-3 of the Criminal Code of 1961  
15          or the Criminal Code of 2012, relating to the offense of  
16          reckless homicide, or a similar provision of a law of  
17          another state.

18          (V) A violation of paragraph (4) of subsection (c) of  
19          Section 11-20.1B or paragraph (4) of subsection (c) of  
20          Section 11-20.3 of the Criminal Code of 1961, or paragraph  
21          (6) of subsection (a) of Section 11-20.1 of the Criminal  
22          Code of 2012 when the victim is under 13 years of age and  
23          the defendant has previously been convicted under the laws  
24          of this State or any other state of the offense of child  
25          pornography, aggravated child pornography, aggravated  
26          criminal sexual abuse, aggravated criminal sexual assault,

1 predatory criminal sexual assault of a child, or any of the  
2 offenses formerly known as rape, deviate sexual assault,  
3 indecent liberties with a child, or aggravated indecent  
4 liberties with a child where the victim was under the age  
5 of 18 years or an offense that is substantially equivalent  
6 to those offenses.

7 (W) A violation of Section 24-3.5 of the Criminal Code  
8 of 1961 or the Criminal Code of 2012.

9 (X) A violation of subsection (a) of Section 31-1a of  
10 the Criminal Code of 1961 or the Criminal Code of 2012.

11 (Y) A conviction for unlawful possession of a firearm  
12 by a street gang member when the firearm was loaded or  
13 contained firearm ammunition.

14 (Z) A Class 1 felony committed while he or she was  
15 serving a term of probation or conditional discharge for a  
16 felony.

17 (AA) Theft of property exceeding \$500,000 and not  
18 exceeding \$1,000,000 in value.

19 (BB) Laundering of criminally derived property of a  
20 value exceeding \$500,000.

21 (CC) Knowingly selling, offering for sale, holding for  
22 sale, or using 2,000 or more counterfeit items or  
23 counterfeit items having a retail value in the aggregate of  
24 \$500,000 or more.

25 (DD) A conviction for aggravated assault under  
26 paragraph (6) of subsection (c) of Section 12-2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 if the  
2 firearm is aimed toward the person against whom the firearm  
3 is being used.

4 (EE) A conviction for a violation of paragraph (2) of  
5 subsection (a) of Section 24-3B of the Criminal Code of  
6 2012.

7 (3) (Blank).

8 (4) A minimum term of imprisonment of not less than 10  
9 consecutive days or 30 days of community service shall be  
10 imposed for a violation of paragraph (c) of Section 6-303 of  
11 the Illinois Vehicle Code.

12 (4.1) (Blank).

13 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
14 this subsection (c), a minimum of 100 hours of community  
15 service shall be imposed for a second violation of Section  
16 6-303 of the Illinois Vehicle Code.

17 (4.3) A minimum term of imprisonment of 30 days or 300  
18 hours of community service, as determined by the court, shall  
19 be imposed for a second violation of subsection (c) of Section  
20 6-303 of the Illinois Vehicle Code.

21 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
22 (4.9) of this subsection (c), a minimum term of imprisonment of  
23 30 days or 300 hours of community service, as determined by the  
24 court, shall be imposed for a third or subsequent violation of  
25 Section 6-303 of the Illinois Vehicle Code. The court may give  
26 credit toward the fulfillment of community service hours for

1 participation in activities and treatment as determined by  
2 court services.

3 (4.5) A minimum term of imprisonment of 30 days shall be  
4 imposed for a third violation of subsection (c) of Section  
5 6-303 of the Illinois Vehicle Code.

6 (4.6) Except as provided in paragraph (4.10) of this  
7 subsection (c), a minimum term of imprisonment of 180 days  
8 shall be imposed for a fourth or subsequent violation of  
9 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

10 (4.7) A minimum term of imprisonment of not less than 30  
11 consecutive days, or 300 hours of community service, shall be  
12 imposed for a violation of subsection (a-5) of Section 6-303 of  
13 the Illinois Vehicle Code, as provided in subsection (b-5) of  
14 that Section.

15 (4.8) A mandatory prison sentence shall be imposed for a  
16 second violation of subsection (a-5) of Section 6-303 of the  
17 Illinois Vehicle Code, as provided in subsection (c-5) of that  
18 Section. The person's driving privileges shall be revoked for a  
19 period of not less than 5 years from the date of his or her  
20 release from prison.

21 (4.9) A mandatory prison sentence of not less than 4 and  
22 not more than 15 years shall be imposed for a third violation  
23 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
24 Code, as provided in subsection (d-2.5) of that Section. The  
25 person's driving privileges shall be revoked for the remainder  
26 of his or her life.

1           (4.10) A mandatory prison sentence for a Class 1 felony  
2 shall be imposed, and the person shall be eligible for an  
3 extended term sentence, for a fourth or subsequent violation of  
4 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
5 as provided in subsection (d-3.5) of that Section. The person's  
6 driving privileges shall be revoked for the remainder of his or  
7 her life.

8           (5) The court may sentence a corporation or unincorporated  
9 association convicted of any offense to:

10           (A) a period of conditional discharge;

11           (B) a fine;

12           (C) make restitution to the victim under Section 5-5-6  
13 of this Code.

14           (5.1) In addition to any other penalties imposed, and  
15 except as provided in paragraph (5.2) or (5.3), a person  
16 convicted of violating subsection (c) of Section 11-907 of the  
17 Illinois Vehicle Code shall have his or her driver's license,  
18 permit, or privileges suspended for at least 90 days but not  
19 more than one year, if the violation resulted in damage to the  
20 property of another person.

21           (5.2) In addition to any other penalties imposed, and  
22 except as provided in paragraph (5.3), a person convicted of  
23 violating subsection (c) of Section 11-907 of the Illinois  
24 Vehicle Code shall have his or her driver's license, permit, or  
25 privileges suspended for at least 180 days but not more than 2  
26 years, if the violation resulted in injury to another person.

1           (5.3) In addition to any other penalties imposed, a person  
2 convicted of violating subsection (c) of Section 11-907 of the  
3 Illinois Vehicle Code shall have his or her driver's license,  
4 permit, or privileges suspended for 2 years, if the violation  
5 resulted in the death of another person.

6           (5.4) In addition to any other penalties imposed, a person  
7 convicted of violating Section 3-707 of the Illinois Vehicle  
8 Code shall have his or her driver's license, permit, or  
9 privileges suspended for 3 months and until he or she has paid  
10 a reinstatement fee of \$100.

11           (5.5) In addition to any other penalties imposed, a person  
12 convicted of violating Section 3-707 of the Illinois Vehicle  
13 Code during a period in which his or her driver's license,  
14 permit, or privileges were suspended for a previous violation  
15 of that Section shall have his or her driver's license, permit,  
16 or privileges suspended for an additional 6 months after the  
17 expiration of the original 3-month suspension and until he or  
18 she has paid a reinstatement fee of \$100.

19           (6) (Blank).

20           (7) (Blank).

21           (8) (Blank).

22           (9) A defendant convicted of a second or subsequent offense  
23 of ritualized abuse of a child may be sentenced to a term of  
24 natural life imprisonment.

25           (10) (Blank).

26           (11) The court shall impose a minimum fine of \$1,000 for a

1 first offense and \$2,000 for a second or subsequent offense  
2 upon a person convicted of or placed on supervision for battery  
3 when the individual harmed was a sports official or coach at  
4 any level of competition and the act causing harm to the sports  
5 official or coach occurred within an athletic facility or  
6 within the immediate vicinity of the athletic facility at which  
7 the sports official or coach was an active participant of the  
8 athletic contest held at the athletic facility. For the  
9 purposes of this paragraph (11), "sports official" means a  
10 person at an athletic contest who enforces the rules of the  
11 contest, such as an umpire or referee; "athletic facility"  
12 means an indoor or outdoor playing field or recreational area  
13 where sports activities are conducted; and "coach" means a  
14 person recognized as a coach by the sanctioning authority that  
15 conducted the sporting event.

16 (12) A person may not receive a disposition of court  
17 supervision for a violation of Section 5-16 of the Boat  
18 Registration and Safety Act if that person has previously  
19 received a disposition of court supervision for a violation of  
20 that Section.

21 (13) A person convicted of or placed on court supervision  
22 for an assault or aggravated assault when the victim and the  
23 offender are family or household members as defined in Section  
24 103 of the Illinois Domestic Violence Act of 1986 or convicted  
25 of domestic battery or aggravated domestic battery may be  
26 required to attend a Partner Abuse Intervention Program under

1 protocols set forth by the Illinois Department of Human  
2 Services under such terms and conditions imposed by the court.  
3 The costs of such classes shall be paid by the offender.

4 (d) In any case in which a sentence originally imposed is  
5 vacated, the case shall be remanded to the trial court. The  
6 trial court shall hold a hearing under Section 5-4-1 of this  
7 ~~the Unified Code of Corrections~~ which may include evidence of  
8 the defendant's life, moral character and occupation during the  
9 time since the original sentence was passed. The trial court  
10 shall then impose sentence upon the defendant. The trial court  
11 may impose any sentence which could have been imposed at the  
12 original trial subject to Section 5-5-4 of this ~~the Unified~~  
13 ~~Code of Corrections~~. If a sentence is vacated on appeal or on  
14 collateral attack due to the failure of the trier of fact at  
15 trial to determine beyond a reasonable doubt the existence of a  
16 fact (other than a prior conviction) necessary to increase the  
17 punishment for the offense beyond the statutory maximum  
18 otherwise applicable, either the defendant may be re-sentenced  
19 to a term within the range otherwise provided or, if the State  
20 files notice of its intention to again seek the extended  
21 sentence, the defendant shall be afforded a new trial.

22 (e) In cases where prosecution for aggravated criminal  
23 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
24 Code of 1961 or the Criminal Code of 2012 results in conviction  
25 of a defendant who was a family member of the victim at the  
26 time of the commission of the offense, the court shall consider

1 the safety and welfare of the victim and may impose a sentence  
2 of probation only where:

3 (1) the court finds (A) or (B) or both are appropriate:

4 (A) the defendant is willing to undergo a court  
5 approved counseling program for a minimum duration of 2  
6 years; or

7 (B) the defendant is willing to participate in a  
8 court approved plan including but not limited to the  
9 defendant's:

10 (i) removal from the household;

11 (ii) restricted contact with the victim;

12 (iii) continued financial support of the  
13 family;

14 (iv) restitution for harm done to the victim;

15 and

16 (v) compliance with any other measures that  
17 the court may deem appropriate; and

18 (2) the court orders the defendant to pay for the  
19 victim's counseling services, to the extent that the court  
20 finds, after considering the defendant's income and  
21 assets, that the defendant is financially capable of paying  
22 for such services, if the victim was under 18 years of age  
23 at the time the offense was committed and requires  
24 counseling as a result of the offense.

25 Probation may be revoked or modified pursuant to Section  
26 5-6-4; except where the court determines at the hearing that

1 the defendant violated a condition of his or her probation  
2 restricting contact with the victim or other family members or  
3 commits another offense with the victim or other family  
4 members, the court shall revoke the defendant's probation and  
5 impose a term of imprisonment.

6 For the purposes of this Section, "family member" and  
7 "victim" shall have the meanings ascribed to them in Section  
8 11-0.1 of the Criminal Code of 2012.

9 (f) (Blank).

10 (g) Whenever a defendant is convicted of an offense under  
11 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
12 11-14.3, 11-14.4 except for an offense that involves keeping a  
13 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
14 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
15 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012, the defendant shall undergo medical  
17 testing to determine whether the defendant has any sexually  
18 transmissible disease, including a test for infection with  
19 human immunodeficiency virus (HIV) or any other identified  
20 causative agent of acquired immunodeficiency syndrome (AIDS).  
21 Any such medical test shall be performed only by appropriately  
22 licensed medical practitioners and may include an analysis of  
23 any bodily fluids as well as an examination of the defendant's  
24 person. Except as otherwise provided by law, the results of  
25 such test shall be kept strictly confidential by all medical  
26 personnel involved in the testing and must be personally

1 delivered in a sealed envelope to the judge of the court in  
2 which the conviction was entered for the judge's inspection in  
3 camera. Acting in accordance with the best interests of the  
4 victim and the public, the judge shall have the discretion to  
5 determine to whom, if anyone, the results of the testing may be  
6 revealed. The court shall notify the defendant of the test  
7 results. The court shall also notify the victim if requested by  
8 the victim, and if the victim is under the age of 15 and if  
9 requested by the victim's parents or legal guardian, the court  
10 shall notify the victim's parents or legal guardian of the test  
11 results. The court shall provide information on the  
12 availability of HIV testing and counseling at Department of  
13 Public Health facilities to all parties to whom the results of  
14 the testing are revealed and shall direct the State's Attorney  
15 to provide the information to the victim when possible. A  
16 State's Attorney may petition the court to obtain the results  
17 of any HIV test administered under this Section, and the court  
18 shall grant the disclosure if the State's Attorney shows it is  
19 relevant in order to prosecute a charge of criminal  
20 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012 against the  
22 defendant. The court shall order that the cost of any such test  
23 shall be paid by the county and may be taxed as costs against  
24 the convicted defendant.

25 (g-5) When an inmate is tested for an airborne communicable  
26 disease, as determined by the Illinois Department of Public

1 Health including but not limited to tuberculosis, the results  
2 of the test shall be personally delivered by the warden or his  
3 or her designee in a sealed envelope to the judge of the court  
4 in which the inmate must appear for the judge's inspection in  
5 camera if requested by the judge. Acting in accordance with the  
6 best interests of those in the courtroom, the judge shall have  
7 the discretion to determine what if any precautions need to be  
8 taken to prevent transmission of the disease in the courtroom.

9 (h) Whenever a defendant is convicted of an offense under  
10 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
11 defendant shall undergo medical testing to determine whether  
12 the defendant has been exposed to human immunodeficiency virus  
13 (HIV) or any other identified causative agent of acquired  
14 immunodeficiency syndrome (AIDS). Except as otherwise provided  
15 by law, the results of such test shall be kept strictly  
16 confidential by all medical personnel involved in the testing  
17 and must be personally delivered in a sealed envelope to the  
18 judge of the court in which the conviction was entered for the  
19 judge's inspection in camera. Acting in accordance with the  
20 best interests of the public, the judge shall have the  
21 discretion to determine to whom, if anyone, the results of the  
22 testing may be revealed. The court shall notify the defendant  
23 of a positive test showing an infection with the human  
24 immunodeficiency virus (HIV). The court shall provide  
25 information on the availability of HIV testing and counseling  
26 at Department of Public Health facilities to all parties to

1 whom the results of the testing are revealed and shall direct  
2 the State's Attorney to provide the information to the victim  
3 when possible. A State's Attorney may petition the court to  
4 obtain the results of any HIV test administered under this  
5 Section, and the court shall grant the disclosure if the  
6 State's Attorney shows it is relevant in order to prosecute a  
7 charge of criminal transmission of HIV under Section 12-5.01 or  
8 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
9 2012 against the defendant. The court shall order that the cost  
10 of any such test shall be paid by the county and may be taxed as  
11 costs against the convicted defendant.

12 (i) All fines and penalties imposed under this Section for  
13 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
14 Vehicle Code, or a similar provision of a local ordinance, and  
15 any violation of the Child Passenger Protection Act, or a  
16 similar provision of a local ordinance, shall be collected and  
17 disbursed by the circuit clerk as provided under the Criminal  
18 and Traffic Assessment Act.

19 (j) In cases when prosecution for any violation of Section  
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
21 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
22 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
23 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
24 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
25 Code of 2012, any violation of the Illinois Controlled  
26 Substances Act, any violation of the Cannabis Control Act, or

1 any violation of the Methamphetamine Control and Community  
2 Protection Act results in conviction, a disposition of court  
3 supervision, or an order of probation granted under Section 10  
4 of the Cannabis Control Act, Section 410 of the Illinois  
5 Controlled Substances Act, or Section 70 of the Methamphetamine  
6 Control and Community Protection Act of a defendant, the court  
7 shall determine whether the defendant is employed by a facility  
8 or center as defined under the Child Care Act of 1969, a public  
9 or private elementary or secondary school, or otherwise works  
10 with children under 18 years of age on a daily basis. When a  
11 defendant is so employed, the court shall order the Clerk of  
12 the Court to send a copy of the judgment of conviction or order  
13 of supervision or probation to the defendant's employer by  
14 certified mail. If the employer of the defendant is a school,  
15 the Clerk of the Court shall direct the mailing of a copy of  
16 the judgment of conviction or order of supervision or probation  
17 to the appropriate regional superintendent of schools. The  
18 regional superintendent of schools shall notify the State Board  
19 of Education of any notification under this subsection.

20 (j-5) A defendant at least 17 years of age who is convicted  
21 of a felony and who has not been previously convicted of a  
22 misdemeanor or felony and who is sentenced to a term of  
23 imprisonment in the Illinois Department of Corrections shall as  
24 a condition of his or her sentence be required by the court to  
25 attend educational courses designed to prepare the defendant  
26 for a high school diploma and to work toward a high school

1 diploma or to work toward passing high school equivalency  
2 testing or to work toward completing a vocational training  
3 program offered by the Department of Corrections. If a  
4 defendant fails to complete the educational training required  
5 by his or her sentence during the term of incarceration, the  
6 Prisoner Review Board shall, as a condition of mandatory  
7 supervised release, require the defendant, at his or her own  
8 expense, to pursue a course of study toward a high school  
9 diploma or passage of high school equivalency testing. The  
10 Prisoner Review Board shall revoke the mandatory supervised  
11 release of a defendant who wilfully fails to comply with this  
12 subsection (j-5) upon his or her release from confinement in a  
13 penal institution while serving a mandatory supervised release  
14 term; however, the inability of the defendant after making a  
15 good faith effort to obtain financial aid or pay for the  
16 educational training shall not be deemed a wilful failure to  
17 comply. The Prisoner Review Board shall recommit the defendant  
18 whose mandatory supervised release term has been revoked under  
19 this subsection (j-5) as provided in Section 3-3-9. This  
20 subsection (j-5) does not apply to a defendant who has a high  
21 school diploma or has successfully passed high school  
22 equivalency testing. This subsection (j-5) does not apply to a  
23 defendant who is determined by the court to be a person with a  
24 developmental disability or otherwise mentally incapable of  
25 completing the educational or vocational program.

26 (k) (Blank).

1           (1) (A) Except as provided in paragraph (C) of subsection  
2           (1), whenever a defendant, who is an alien as defined by the  
3           Immigration and Nationality Act, is convicted of any felony or  
4           misdemeanor offense, the court after sentencing the defendant  
5           may, upon motion of the State's Attorney, hold sentence in  
6           abeyance and remand the defendant to the custody of the  
7           Attorney General of the United States or his or her designated  
8           agent to be deported when:

9           (1) a final order of deportation has been issued  
10          against the defendant pursuant to proceedings under the  
11          Immigration and Nationality Act, and

12          (2) the deportation of the defendant would not  
13          deprecate the seriousness of the defendant's conduct and  
14          would not be inconsistent with the ends of justice.

15          Otherwise, the defendant shall be sentenced as provided in  
16          this Chapter V.

17          (B) If the defendant has already been sentenced for a  
18          felony or misdemeanor offense, or has been placed on probation  
19          under Section 10 of the Cannabis Control Act, Section 410 of  
20          the Illinois Controlled Substances Act, or Section 70 of the  
21          Methamphetamine Control and Community Protection Act, the  
22          court may, upon motion of the State's Attorney to suspend the  
23          sentence imposed, commit the defendant to the custody of the  
24          Attorney General of the United States or his or her designated  
25          agent when:

26          (1) a final order of deportation has been issued

1           against the defendant pursuant to proceedings under the  
2           Immigration and Nationality Act, and

3           (2) the deportation of the defendant would not  
4           deprecate the seriousness of the defendant's conduct and  
5           would not be inconsistent with the ends of justice.

6           (C) This subsection (1) does not apply to offenders who are  
7           subject to the provisions of paragraph (2) of subsection (a) of  
8           Section 3-6-3.

9           (D) Upon motion of the State's Attorney, if a defendant  
10          sentenced under this Section returns to the jurisdiction of the  
11          United States, the defendant shall be recommitted to the  
12          custody of the county from which he or she was sentenced.  
13          Thereafter, the defendant shall be brought before the  
14          sentencing court, which may impose any sentence that was  
15          available under Section 5-5-3 at the time of initial  
16          sentencing. In addition, the defendant shall not be eligible  
17          for additional earned sentence credit as provided under Section  
18          3-6-3.

19          (m) A person convicted of criminal defacement of property  
20          under Section 21-1.3 of the Criminal Code of 1961 or the  
21          Criminal Code of 2012, in which the property damage exceeds  
22          \$300 and the property damaged is a school building, shall be  
23          ordered to perform community service that may include cleanup,  
24          removal, or painting over the defacement.

25          (n) The court may sentence a person convicted of a  
26          violation of Section 12-19, 12-21, 16-1.3, or 17-56, or

1 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
2 of 1961 or the Criminal Code of 2012 (i) to an impact  
3 incarceration program if the person is otherwise eligible for  
4 that program under Section 5-8-1.1, (ii) to community service,  
5 or (iii) if the person has a substance use disorder, as defined  
6 in the Substance Use Disorder Act, to a treatment program  
7 licensed under that Act.

8 (o) Whenever a person is convicted of a sex offense as  
9 defined in Section 2 of the Sex Offender Registration Act, the  
10 defendant's driver's license or permit shall be subject to  
11 renewal on an annual basis in accordance with the provisions of  
12 license renewal established by the Secretary of State.

13 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;  
14 99-938, eff. 1-1-18; 100-575, eff. 1-8-18; 100-759, eff.  
15 1-1-19; 100-987, eff. 7-1-19; revised 10-12-18.)

16 (730 ILCS 5/5-6-3.3)

17 Sec. 5-6-3.3. Offender Initiative Program.

18 (a) Statement of purpose. The General Assembly seeks to  
19 continue other successful programs that promote public safety,  
20 conserve valuable resources, and reduce recidivism by  
21 defendants who can lead productive lives by creating the  
22 Offender Initiative Program.

23 (a-1) Whenever any person who has not previously been  
24 convicted of any felony offense under the laws of this State,  
25 the laws of any other state, or the laws of the United States,

1 is arrested for and charged with a probationable felony offense  
2 of theft, retail theft, forgery, possession of a stolen motor  
3 vehicle, burglary, possession of burglary tools, deceptive  
4 practices, disorderly conduct, criminal damage or trespass to  
5 property under Article 21 of the Criminal Code of 2012,  
6 criminal trespass to a residence, obstructing justice, or an  
7 offense involving fraudulent identification, or possession of  
8 cannabis, possession of a controlled substance, or possession  
9 of methamphetamine, the court, with the consent of the  
10 defendant and the State's Attorney, may continue this matter to  
11 allow a defendant to participate and complete the Offender  
12 Initiative Program.

13 (a-2) Exemptions. A defendant shall not be eligible for  
14 this Program if the offense he or she has been arrested for and  
15 charged with is a violent offense. For purposes of this  
16 Program, a "violent offense" is any offense where bodily harm  
17 was inflicted or where force was used against any person or  
18 threatened against any person, any offense involving sexual  
19 conduct, sexual penetration, or sexual exploitation, any  
20 offense of domestic violence, domestic battery, violation of an  
21 order of protection, stalking, hate crime, and any offense  
22 involving the possession of a firearm or dangerous weapon. A  
23 defendant shall not be eligible for this Program if he or she  
24 has previously been adjudicated a delinquent minor for the  
25 commission of a violent offense as defined in this subsection.

26 (b) When a defendant is placed in the Program, after both

1 the defendant and State's Attorney waive preliminary hearing  
2 pursuant to Section 109-3 of the Code of Criminal Procedure of  
3 1963, the court shall enter an order specifying that the  
4 proceedings shall be suspended while the defendant is  
5 participating in a Program of not less 12 months.

6 (c) The conditions of the Program shall be that the  
7 defendant:

8 (1) not violate any criminal statute of this State or  
9 any other jurisdiction;

10 (2) refrain from possessing a firearm or other  
11 dangerous weapon;

12 (3) make full restitution to the victim or property  
13 owner pursuant to Section 5-5-6 of this Code;

14 (4) obtain employment or perform not less than 30 hours  
15 of community service, provided community service is  
16 available in the county and is funded and approved by the  
17 county board; and

18 (5) attend educational courses designed to prepare the  
19 defendant for obtaining a high school diploma or to work  
20 toward passing high school equivalency testing or to work  
21 toward completing a vocational training program.

22 (c-1) The court may give credit toward the fulfillment of  
23 community service hours for participation in activities and  
24 treatment as determined by court services.

25 (d) The court may, in addition to other conditions, require  
26 that the defendant:

1           (1) undergo medical or psychiatric treatment, or  
2           treatment or rehabilitation approved by the Illinois  
3           Department of Human Services;

4           (2) refrain from having in his or her body the presence  
5           of any illicit drug prohibited by the Methamphetamine  
6           Control and Community Protection Act, the Cannabis Control  
7           Act or the Illinois Controlled Substances Act, unless  
8           prescribed by a physician, and submit samples of his or her  
9           blood or urine or both for tests to determine the presence  
10          of any illicit drug;

11          (3) submit to periodic drug testing at a time, manner,  
12          and frequency as ordered by the court;

13          (4) pay fines, fees and costs; and

14          (5) in addition, if a minor:

15               (i) reside with his or her parents or in a foster  
16               home;

17               (ii) attend school;

18               (iii) attend a non-residential program for youth;

19               or

20               (iv) contribute to his or her own support at home  
21               or in a foster home.

22          (e) When the State's Attorney makes a factually specific  
23          offer of proof that the defendant has failed to successfully  
24          complete the Program or has violated any of the conditions of  
25          the Program, the court shall enter an order that the defendant  
26          has not successfully completed the Program and continue the

1 case for arraignment pursuant to Section 113-1 of the Code of  
2 Criminal Procedure of 1963 for further proceedings as if the  
3 defendant had not participated in the Program.

4 (f) Upon fulfillment of the terms and conditions of the  
5 Program, the State's Attorney shall dismiss the case or the  
6 court shall discharge the person and dismiss the proceedings  
7 against the person.

8 (g) (Blank). ~~A person may only have one discharge and~~  
9 ~~dismissal under this Section within a 4 year period.~~

10 (h) Notwithstanding subsection (a-1), if the court finds  
11 that the defendant suffers from a substance abuse problem, then  
12 before the person participates in the Program under this  
13 Section, the court may refer the person to the drug court  
14 established in that judicial circuit pursuant to Section 15 of  
15 the Drug Court Treatment Act. The drug court team shall  
16 evaluate the person's likelihood of successfully fulfilling  
17 the terms and conditions of the Program under this Section and  
18 shall report the results of its evaluation to the court. If the  
19 drug court team finds that the person suffers from a substance  
20 abuse problem that makes him or her substantially unlikely to  
21 successfully fulfill the terms and conditions of the Program,  
22 then the drug court shall set forth its findings in the form of  
23 a written order, and the person shall be ineligible to  
24 participate in the Program under this Section, but shall be  
25 considered for the drug court program.

26 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18; 100-575,

1 eff. 1-8-18.)

2 (730 ILCS 5/5-6-3.4)

3 Sec. 5-6-3.4. Second Chance Probation.

4 (a) Whenever any person who has not previously been  
5 convicted of any felony offense under the laws of this State,  
6 the laws of any other state, or the laws of the United States,  
7 and pleads guilty to, or is found guilty of, possession of less  
8 than 15 grams of a controlled substance; possession of less  
9 than 15 grams of methamphetamine; or a probationable felony  
10 offense of possession of cannabis, theft, retail theft,  
11 forgery, deceptive practices, possession of a stolen motor  
12 vehicle, burglary, possession of burglary tools, disorderly  
13 conduct, criminal damage or trespass to property under Article  
14 21 of the Criminal Code of 2012, criminal trespass to a  
15 residence, an offense involving fraudulent identification, or  
16 obstructing justice; or possession of cannabis, the court, with  
17 the consent of the defendant and the State's Attorney, may,  
18 without entering a judgment, sentence the defendant to  
19 probation under this Section.

20 (a-1) Exemptions. A defendant is not eligible for this  
21 probation if the offense he or she pleads guilty to, or is  
22 found guilty of, is a violent offense, or he or she has  
23 previously been convicted of a violent offense. For purposes of  
24 this probation, a "violent offense" is any offense where bodily  
25 harm was inflicted or where force was used against any person

1 or threatened against any person, any offense involving sexual  
2 conduct, sexual penetration, or sexual exploitation, any  
3 offense of domestic violence, domestic battery, violation of an  
4 order of protection, stalking, hate crime, and any offense  
5 involving the possession of a firearm or dangerous weapon. A  
6 defendant shall not be eligible for this probation if he or she  
7 has previously been adjudicated a delinquent minor for the  
8 commission of a violent offense as defined in this subsection.

9 (b) When a defendant is placed on probation, the court  
10 shall enter an order specifying a period of probation of not  
11 less than 24 months and shall defer further proceedings in the  
12 case until the conclusion of the period or until the filing of  
13 a petition alleging violation of a term or condition of  
14 probation.

15 (c) The conditions of probation shall be that the  
16 defendant:

17 (1) not violate any criminal statute of this State or  
18 any other jurisdiction;

19 (2) refrain from possessing a firearm or other  
20 dangerous weapon;

21 (3) make full restitution to the victim or property  
22 owner under Section 5-5-6 of this Code;

23 (4) obtain or attempt to obtain employment;

24 (5) pay fines and costs;

25 (6) attend educational courses designed to prepare the  
26 defendant for obtaining a high school diploma or to work

1 toward passing high school equivalency testing or to work  
2 toward completing a vocational training program;

3 (7) submit to periodic drug testing at a time and in a  
4 manner as ordered by the court, but no less than 3 times  
5 during the period of probation, with the cost of the  
6 testing to be paid by the defendant; and

7 (8) perform a minimum of 30 hours of community service.  
8 The court may give credit toward the fulfillment of  
9 community service hours for participation in activities  
10 and treatment as determined by court services.

11 (d) The court may, in addition to other conditions, require  
12 that the defendant:

13 (1) make a report to and appear in person before or  
14 participate with the court or such courts, person, or  
15 social service agency as directed by the court in the order  
16 of probation;

17 (2) undergo medical or psychiatric treatment, or  
18 treatment or rehabilitation approved by the Illinois  
19 Department of Human Services;

20 (3) attend or reside in a facility established for the  
21 instruction or residence of defendants on probation;

22 (4) support his or her dependents; or

23 (5) refrain from having in his or her body the presence  
24 of any illicit drug prohibited by the Methamphetamine  
25 Control and Community Protection Act, the Cannabis Control  
26 Act, or the Illinois Controlled Substances Act, unless

1           prescribed by a physician, and submit samples of his or her  
2           blood or urine or both for tests to determine the presence  
3           of any illicit drug.

4           (e) Upon violation of a term or condition of probation, the  
5           court may enter a judgment on its original finding of guilt and  
6           proceed as otherwise provided by law.

7           (f) Upon fulfillment of the terms and conditions of  
8           probation, the court shall discharge the person and dismiss the  
9           proceedings against the person.

10          (g) A disposition of probation is considered to be a  
11          conviction for the purposes of imposing the conditions of  
12          probation and for appeal; however, a discharge and dismissal  
13          under this Section is not a conviction for purposes of this  
14          Code or for purposes of disqualifications or disabilities  
15          imposed by law upon conviction of a crime.

16          (h) (Blank). ~~A person may only have one discharge and~~  
17          ~~dismissal under this Section within a 4 year period.~~

18          (i) If a person is convicted of any offense which occurred  
19          within 5 years subsequent to a discharge and dismissal under  
20          this Section, the discharge and dismissal under this Section  
21          shall be admissible in the sentencing proceeding for that  
22          conviction as evidence in aggravation.

23          (j) Notwithstanding subsection (a), if the court finds that  
24          the defendant suffers from a substance abuse problem, then  
25          before the person is placed on probation under this Section,  
26          the court may refer the person to the drug court established in

1 that judicial circuit pursuant to Section 15 of the Drug Court  
2 Treatment Act. The drug court team shall evaluate the person's  
3 likelihood of successfully fulfilling the terms and conditions  
4 of probation under this Section and shall report the results of  
5 its evaluation to the court. If the drug court team finds that  
6 the person suffers from a substance abuse problem that makes  
7 him or her substantially unlikely to successfully fulfill the  
8 terms and conditions of probation under this Section, then the  
9 drug court shall set forth its findings in the form of a  
10 written order, and the person shall be ineligible to be placed  
11 on probation under this Section, but shall be considered for  
12 the drug court program.

13 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18; 100-575,  
14 eff. 1-8-18.)

15 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

16 Sec. 5-8-1. Natural life imprisonment; enhancements for  
17 use of a firearm; mandatory supervised release terms.

18 (a) Except as otherwise provided in the statute defining  
19 the offense or in Article 4.5 of Chapter V, a sentence of  
20 imprisonment for a felony shall be a determinate sentence set  
21 by the court under this Section, according to the following  
22 limitations:

23 (1) for first degree murder,

24 (a) (blank),

25 (b) if a trier of fact finds beyond a reasonable

1 doubt that the murder was accompanied by exceptionally  
2 brutal or heinous behavior indicative of wanton  
3 cruelty or, except as set forth in subsection (a) (1) (c)  
4 of this Section, that any of the aggravating factors  
5 listed in subsection (b) or (b-5) of Section 9-1 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012 are  
7 present, the court may sentence the defendant, subject  
8 to Section 5-4.5-105, to a term of natural life  
9 imprisonment, or

10 (c) the court shall sentence the defendant to a  
11 term of natural life imprisonment if the defendant, at  
12 the time of the commission of the murder, had attained  
13 the age of 18, and

14 (i) has previously been convicted of first  
15 degree murder under any state or federal law, or

16 (ii) is found guilty of murdering more than one  
17 victim, or

18 (iii) is found guilty of murdering a peace  
19 officer, fireman, or emergency management worker  
20 when the peace officer, fireman, or emergency  
21 management worker was killed in the course of  
22 performing his official duties, or to prevent the  
23 peace officer or fireman from performing his  
24 official duties, or in retaliation for the peace  
25 officer, fireman, or emergency management worker  
26 from performing his official duties, and the

1 defendant knew or should have known that the  
2 murdered individual was a peace officer, fireman,  
3 or emergency management worker, or

4 (iv) is found guilty of murdering an employee  
5 of an institution or facility of the Department of  
6 Corrections, or any similar local correctional  
7 agency, when the employee was killed in the course  
8 of performing his official duties, or to prevent  
9 the employee from performing his official duties,  
10 or in retaliation for the employee performing his  
11 official duties, or

12 (v) is found guilty of murdering an emergency  
13 medical technician - ambulance, emergency medical  
14 technician - intermediate, emergency medical  
15 technician - paramedic, ambulance driver or other  
16 medical assistance or first aid person while  
17 employed by a municipality or other governmental  
18 unit when the person was killed in the course of  
19 performing official duties or to prevent the  
20 person from performing official duties or in  
21 retaliation for performing official duties and the  
22 defendant knew or should have known that the  
23 murdered individual was an emergency medical  
24 technician - ambulance, emergency medical  
25 technician - intermediate, emergency medical  
26 technician - paramedic, ambulance driver, or other

1 medical assistant or first aid personnel, or

2 (vi) (blank), or

3 (vii) is found guilty of first degree murder  
4 and the murder was committed by reason of any  
5 person's activity as a community policing  
6 volunteer or to prevent any person from engaging in  
7 activity as a community policing volunteer. For  
8 the purpose of this Section, "community policing  
9 volunteer" has the meaning ascribed to it in  
10 Section 2-3.5 of the Criminal Code of 2012.

11 For purposes of clause (v), "emergency medical  
12 technician - ambulance", "emergency medical technician  
13 - intermediate", "emergency medical technician -  
14 paramedic", have the meanings ascribed to them in the  
15 Emergency Medical Services (EMS) Systems Act.

16 (d) (i) if the person committed the offense while  
17 armed with a firearm, 15 years shall be added to  
18 the term of imprisonment imposed by the court;

19 (ii) if, during the commission of the offense,  
20 the person personally discharged a firearm, 20  
21 years shall be added to the term of imprisonment  
22 imposed by the court;

23 (iii) if, during the commission of the  
24 offense, the person personally discharged a  
25 firearm that proximately caused great bodily harm,  
26 permanent disability, permanent disfigurement, or

1 death to another person, 25 years or up to a term  
2 of natural life shall be added to the term of  
3 imprisonment imposed by the court.

4 (2) (blank);

5 (2.5) for a person who has attained the age of 18 years  
6 at the time of the commission of the offense and who is  
7 convicted under the circumstances described in subdivision  
8 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection  
9 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30  
10 or paragraph (2) of subsection (d) of Section 12-14,  
11 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)  
12 of subsection (b) of Section 12-14.1, subdivision (b) (2) of  
13 Section 11-1.40 or paragraph (2) of subsection (b) of  
14 Section 12-14.1 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, the sentence shall be a term of  
16 natural life imprisonment.

17 (b) (Blank).

18 (c) (Blank).

19 (d) Subject to earlier termination under Section 3-3-8, the  
20 parole or mandatory supervised release term shall be written as  
21 part of the sentencing order and shall be as follows:

22 (1) for first degree murder ~~or a Class X felony except~~  
23 ~~for the offenses of predatory criminal sexual assault of a~~  
24 ~~child, aggravated criminal sexual assault, and criminal~~  
25 ~~sexual assault if committed on or after the effective date~~  
26 ~~of this amendatory Act of the 94th General Assembly and~~

1 ~~except for the offense of aggravated child pornography~~  
2 ~~under Section 11-20.1B, 11-20.3, or 11-20.1 with~~  
3 ~~sentencing under subsection (c-5) of Section 11-20.1 of the~~  
4 ~~Criminal Code of 1961 or the Criminal Code of 2012, if~~  
5 ~~committed on or after January 1, 2009, 3 years;~~

6 (1.5) for a Class X felony except for the offenses of  
7 predatory criminal sexual assault of a child, aggravated  
8 criminal sexual assault, and criminal sexual assault if  
9 committed on or after December 13, 2005 (the effective date  
10 of Public Act 94-715) and except for the offense of  
11 aggravated child pornography under Section 11-20.1B.  
12 11-20.3, or 11-20.1 with sentencing under subsection (c-5)  
13 of Section 11-20.1 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, if committed on or after January 1,  
15 2009, 18 months;

16 (2) for a Class 1 felony or a Class 2 felony except for  
17 the offense of criminal sexual assault if committed on or  
18 after December 13, 2005 (the effective date of Public Act  
19 94-715) ~~this amendatory Act of the 94th General Assembly~~  
20 and except for the offenses of manufacture and  
21 dissemination of child pornography under clauses (a)(1)  
22 and (a)(2) of Section 11-20.1 of the Criminal Code of 1961  
23 or the Criminal Code of 2012, if committed on or after  
24 January 1, 2009, 18 months ~~2 years;~~

25 (3) for a Class 3 felony or a Class 4 felony, 1 year;

26 (4) for defendants who commit the offense of predatory

1 criminal sexual assault of a child, aggravated criminal  
2 sexual assault, or criminal sexual assault, on or after the  
3 effective date of this amendatory Act of the 94th General  
4 Assembly, or who commit the offense of aggravated child  
5 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
6 with sentencing under subsection (c-5) of Section 11-20.1  
7 of the Criminal Code of 1961 or the Criminal Code of 2012,  
8 manufacture of child pornography, or dissemination of  
9 child pornography after January 1, 2009, the term of  
10 mandatory supervised release shall range from a minimum of  
11 3 years to a maximum of the natural life of the defendant;

12 (5) if the victim is under 18 years of age, for a  
13 second or subsequent offense of aggravated criminal sexual  
14 abuse or felony criminal sexual abuse, 4 years, at least  
15 the first 2 years of which the defendant shall serve in an  
16 electronic monitoring or home detention program under  
17 Article 8A of Chapter V of this Code;

18 (6) for a felony domestic battery, aggravated domestic  
19 battery, stalking, aggravated stalking, and a felony  
20 violation of an order of protection, 4 years.

21 (e) (Blank).

22 (f) (Blank).

23 (Source: P.A. 99-69, eff. 1-1-16; 99-875, eff. 1-1-17; 100-431,  
24 eff. 8-25-17.)

25 (730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

1           Sec. 5-8-2. Extended Term.

2           (a) A judge shall not sentence an offender to a term of  
3 imprisonment in excess of the maximum sentence authorized by  
4 Article 4.5 of Chapter V for an offense or offenses within the  
5 class of the most serious offense of which the offender was  
6 convicted unless the factors in aggravation set forth in  
7 Section 5-5-3.2 or clause (a) (1) (b) of Section 5-8-1 were found  
8 to be present. If the pre-trial and trial proceedings were  
9 conducted in compliance with subsection (c-5) of Section 111-3  
10 of the Code of Criminal Procedure of 1963, the judge may  
11 sentence an offender to an extended term as provided in Article  
12 4.5 of Chapter V (730 ILCS 5/Ch. V, Art. 4.5).

13           (b) If the conviction was by plea, it shall appear on the  
14 record that the plea was entered with the defendant's knowledge  
15 that a sentence under this Section was a possibility. If it  
16 does not so appear on the record, the defendant shall not be  
17 subject to such a sentence unless he is first given an  
18 opportunity to withdraw his plea without prejudice.

19           (c) An extended term as provided in Article 4.5 of Chapter  
20 V may not be imposed for a violation of the Cannabis Control  
21 Act, the Illinois Controlled Substances Act, or the  
22 Methamphetamine Control and Community Protection Act.

23           (Source: P.A. 95-1052, eff. 7-1-09; 96-1200, eff. 7-22-10.)

24           (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

25           Sec. 5-8-6. Place of confinement.

1           (a) Except as otherwise provided in this subsection (a),  
2 offenders ~~Offenders~~ sentenced to a term of imprisonment for a  
3 felony shall be committed to the penitentiary system of the  
4 Department of Corrections. However, such sentence shall not  
5 limit the powers of the Department of Children and Family  
6 Services in relation to any child under the age of one year in  
7 the sole custody of a person so sentenced, nor in relation to  
8 any child delivered by a female so sentenced while she is so  
9 confined as a consequence of such sentence. Except as otherwise  
10 provided in this subsection (a), a ~~A~~ person sentenced for a  
11 felony may be assigned by the Department of Corrections to any  
12 of its institutions, facilities or programs. An offender  
13 sentenced to a term of imprisonment for a Class 3 or 4 felony,  
14 other than a violent crime as defined in Section 3 of the  
15 Rights of Crime Victims and Witnesses Act, in which the  
16 sentencing order indicates that the offender has less than 4  
17 months remaining on his or her sentence accounting for time  
18 served may not be confined in the penitentiary system of the  
19 Department of Corrections but may be assigned to electronic  
20 home detention under Article 8A of this Chapter V, an adult  
21 transition center, or another facility or program within the  
22 Department of Corrections.

23           (b) Offenders sentenced to a term of imprisonment for less  
24 than one year shall be committed to the custody of the sheriff.  
25 A person committed to the Department of Corrections, prior to  
26 July 14, 1983, for less than one year may be assigned by the

1 Department to any of its institutions, facilities or programs.

2 (c) All offenders under 18 years of age when sentenced to  
3 imprisonment shall be committed to the Department of Juvenile  
4 Justice and the court in its order of commitment shall set a  
5 definite term. The provisions of Section 3-3-3 shall be a part  
6 of such commitment as fully as though written in the order of  
7 commitment. The place of confinement for sentences imposed  
8 before the effective date of this amendatory Act of the 99th  
9 General Assembly are not affected or abated by this amendatory  
10 Act of the 99th General Assembly.

11 (d) No defendant shall be committed to the Department of  
12 Corrections for the recovery of a fine or costs.

13 (e) When a court sentences a defendant to a term of  
14 imprisonment concurrent with a previous and unexpired sentence  
15 of imprisonment imposed by any district court of the United  
16 States, it may commit the offender to the custody of the  
17 Attorney General of the United States. The Attorney General of  
18 the United States, or the authorized representative of the  
19 Attorney General of the United States, shall be furnished with  
20 the warrant of commitment from the court imposing sentence,  
21 which warrant of commitment shall provide that, when the  
22 offender is released from federal confinement, whether by  
23 parole or by termination of sentence, the offender shall be  
24 transferred by the Sheriff of the committing county to the  
25 Department of Corrections. The court shall cause the Department  
26 to be notified of such sentence at the time of commitment and

1 to be provided with copies of all records regarding the  
2 sentence.

3 (Source: P.A. 99-628, eff. 1-1-17.)

4 Section 95. No acceleration or delay. Where this Act makes  
5 changes in a statute that is represented in this Act by text  
6 that is not yet or no longer in effect (for example, a Section  
7 represented by multiple versions), the use of that text does  
8 not accelerate or delay the taking effect of (i) the changes  
9 made by this Act or (ii) provisions derived from any other  
10 Public Act.

| 1  | INDEX                                   |                              |
|----|---|------------------------------|
| 2  | Statutes amended in order of appearance |                              |
| 3  | 55 ILCS 5/3-9008                        | from Ch. 34, par. 3-9008     |
| 4  | 720 ILCS 5/16-1                         | from Ch. 38, par. 16-1       |
| 5  | 720 ILCS 5/16-25                        |                              |
| 6  | 720 ILCS 550/4                          | from Ch. 56 1/2, par. 704    |
| 7  | 720 ILCS 550/5                          | from Ch. 56 1/2, par. 705    |
| 8  | 720 ILCS 550/5.1                        | from Ch. 56 1/2, par. 705.1  |
| 9  | 720 ILCS 550/5.2                        | from Ch. 56 1/2, par. 705.2  |
| 10 | 720 ILCS 550/7                          | from Ch. 56 1/2, par. 707    |
| 11 | 720 ILCS 550/8                          | from Ch. 56 1/2, par. 708    |
| 12 | 720 ILCS 550/10                         | from Ch. 56 1/2, par. 710    |
| 13 | 720 ILCS 550/9 rep.                     |                              |
| 14 | 720 ILCS 570/401                        | from Ch. 56 1/2, par. 1401   |
| 15 | 720 ILCS 570/401.1                      | from Ch. 56 1/2, par. 1401.1 |
| 16 | 720 ILCS 570/402                        | from Ch. 56 1/2, par. 1402   |
| 17 | 720 ILCS 570/404                        | from Ch. 56 1/2, par. 1404   |
| 18 | 720 ILCS 570/405.2                      |                              |
| 19 | 720 ILCS 570/407                        | from Ch. 56 1/2, par. 1407   |
| 20 | 720 ILCS 570/407.1                      | from Ch. 56 1/2, par. 1407.1 |
| 21 | 720 ILCS 570/407.2                      | from Ch. 56 1/2, par. 1407.2 |
| 22 | 720 ILCS 570/410                        | from Ch. 56 1/2, par. 1410   |
| 23 | 720 ILCS 570/405 rep.                   |                              |
| 24 | 720 ILCS 570/405.1 rep.                 |                              |
| 25 | 720 ILCS 570/408 rep.                   |                              |

|    |                       |                            |
|----|-----------------------|----------------------------|
| 1  | 720 ILCS 600/3.5      |                            |
| 2  | 720 ILCS 646/15       |                            |
| 3  | 720 ILCS 646/20       |                            |
| 4  | 720 ILCS 646/25       |                            |
| 5  | 720 ILCS 646/30       |                            |
| 6  | 720 ILCS 646/35       |                            |
| 7  | 720 ILCS 646/40       |                            |
| 8  | 720 ILCS 646/45       |                            |
| 9  | 720 ILCS 646/50       |                            |
| 10 | 720 ILCS 646/55       |                            |
| 11 | 720 ILCS 646/55.1 new |                            |
| 12 | 720 ILCS 646/55.2 new |                            |
| 13 | 720 ILCS 646/55.3 new |                            |
| 14 | 720 ILCS 646/55.4 new |                            |
| 15 | 720 ILCS 646/55.5 new |                            |
| 16 | 720 ILCS 646/56       |                            |
| 17 | 720 ILCS 646/60       |                            |
| 18 | 720 ILCS 646/70       |                            |
| 19 | 720 ILCS 646/65 rep.  |                            |
| 20 | 720 ILCS 646/100 rep. |                            |
| 21 | 725 ILCS 210/4.01     | from Ch. 14, par. 204.01   |
| 22 | 730 ILCS 5/3-6-3      | from Ch. 38, par. 1003-6-3 |
| 23 | 730 ILCS 5/5-4-1      | from Ch. 38, par. 1005-4-1 |
| 24 | 730 ILCS 5/5-4.5-95   |                            |
| 25 | 730 ILCS 5/5-5-3      |                            |
| 26 | 730 ILCS 5/5-6-3.3    |                            |

1 730 ILCS 5/5-6-3.4

2 730 ILCS 5/5-8-1 from Ch. 38, par. 1005-8-1

3 730 ILCS 5/5-8-2 from Ch. 38, par. 1005-8-2

4 730 ILCS 5/5-8-6 from Ch. 38, par. 1005-8-6